



Plaintiffs Jennifer Stewart (left) and Cherie Cruz (right)

## ACLU LAWSUIT HALTS ENFORCEMENT OF PAWTUCKET POLITICAL SIGN RESTRICTION

In response to an ACLU of RI lawsuit seeking to vindicate the free speech rights of political candidates and their supporters, the City of Pawtucket has agreed not to enforce an ordinance banning the posting of political signs on residential property more than 30 days before an election. The lawsuit was on behalf of two candidates running in primaries for state legislative office in the city, Cherie Cruz (House 58) and Jennifer Stewart (House 59), who have since won their primaries.

In early July, after Stewart had placed more than 30 candidate yard signs at supporters' homes, she received a call from the City Registrar, informing her of the ordinance and advising her that if the signs were not taken down, he would refer the matter to zoning officials "who could issue fines to the individuals who had signs in their yards." Similarly, after Cruz began distributing her signs to supporters, she too learned about the ordinance and called up city officials who confirmed that anybody erecting signs more than 30 days before the election could be fined.

The ACLU lawsuit, filed by cooperating attorney Richard A. Sinapi, argued that "residential signs are a form of unique expression entitled to the highest degree of protection" under the First Amendment and a "cheap and convenient form of communication ... by which people of modest means may become involved in political campaigns and show their support for a candidate or cause." The suit noted that as candidates lacking significant name recognition, both Stewart and Cruz "rely heavily on inexpensive campaign lawn signs to communicate their candidacies to potential voters." (*story continued on next page*)

## U.S. SUPREME COURT REJECTS CHALLENGE TO REPRODUCTIVE PRIVACY ACT

In a major victory for reproductive rights in Rhode Island, the U.S. Supreme Court announced in October that it would not hear an appeal challenging the constitutionality of the Reproductive Privacy Act (RPA), the Rhode Island statute that protects abortion rights for all individuals in the state.

The Court's action upholds a decision of the RI Supreme Court issued this past May, which affirmed both the constitutionality of the law and the authority of the Rhode Island state legislature to pass it and guarantee this critical reproductive right.

The RPA was passed in 2019 and codified the tenets of *Roe v. Wade* into Rhode Island law. (*story continued on next page*)

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## FROM THE DESK OF THE EXECUTIVE DIRECTOR

Our celebrations of Constitution Day and Banned Books Week this past month – on September 17<sup>th</sup> and September 18-24<sup>th</sup>, respectively – held a unique gravitas. During the last year, critical constitutional rights have been eroded. Our schools and public institutions are facing vitriolic attacks on the important literary and educational works that they provide to students and all community members. And it often can feel as though the erosion of civil liberties is unrelenting.

Perhaps more than ever, we are reminded that as we exercise our civil liberties, they must be continually fought for and safeguarded, especially as we enter the beginning of the 2022-2023 Supreme Court of the United States term.

In fact, potentially monumental cases before SCOTUS will be heard in the upcoming months and decided next year. Affirmative action, LGBTQ+ rights, and voting rights are all on the SCOTUS docket, and vigilance is key to ensuring that we are preparing for these decisions over the next months in the Ocean State.

Our work at the ACLU is focused both on uplifting the tenets of civil liberties and on fighting to keep these rights intact. As we head into the next wave of fighting, I just want to express our deep gratitude for your continued support, and for your continued participation in our mission.

-- Steven Brown

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## PAWTUCKET POLITICAL SIGN ORDINANCE (*continued*)

Shortly after the suit was filed, the City agreed not to enforce the ordinance pending a court decision in the case. Since then, the parties have been working on negotiating a settlement designed to provide for a permanent ban on the ordinance's enforcement.

Plaintiff Stewart noted that, to her, “this case is about democracy. I want people in Pawtucket to know that I am a candidate to represent our community. Taking the signs down stifled the voice of my supporters and created an obstacle for having a more competitive election.” Plaintiff Cruz stated that “the fact that such a blatantly unconstitutional ordinance in Pawtucket exists to limit residents’ rights of free speech is very saddening. It ignores a basic right to freely express our political, electoral views and preferences. We cannot on one hand, call on all of our citizens to be active participants in our democracy and then on the other create arbitrary timelines for that same participation.”

## SUPREME COURT REJECTS CHALLENGE TO REPRODUCTIVE PRIVACY ACT (*continued*)

Just a few days after a draft opinion for *Dobbs v. Jackson* leaked in early May 2022, indicating that the U.S.

Supreme Court was poised to overturn *Roe v. Wade* and strip away the constitutional right to abortion, the RI Supreme Court released their own decision affirming the constitutionality of the state’s Reproductive Privacy Act. The decision in the case, which had been filed by R.I. Catholics for Life and two then-fetuses, was appealed to the U.S. Supreme Court. Its denial of review concludes the opportunities for any further appeals and formally upholds the Reproductive Privacy Act from additional legal attack.

The ACLU of RI filed “friend of the court” briefs in the case in support of the RPA, refuting the plaintiffs’ arguments questioning the law’s legality. The Affiliate had, prior to the passage of the RPA, successfully challenged in court a half-dozen laws enacted by the RI legislature since 1973 that sought to erode abortion rights.



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& RSVP TODAY!**

**ACLU of RI  
ANNUAL MEETING**  
WEDNESDAY, NOVEMBER 16, 2022, 6 PM

To register for this free Zoom event, visit [www.riaclu.org/events](http://www.riaclu.org/events).

Want to support us by placing an ad in our Annual Meeting Program Book? Call the office at 401-831-7171 or visit the website address above for details.



## **ACLU of Rhode Island Docket Updates**

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### ***JOHNSON V. PAWTUCKET***

A federal judge has refused to dismiss our lawsuit alleging that a then-13-year-old Black honors student at Goff Middle School in Pawtucket was gratuitously and unlawfully handcuffed and arrested in 2019 by a school resource officer who wanted to “make an example” of her. The suit was filed two years ago by ACLU of RI cooperating attorneys Shannah Kurland and Lynette Labinger, alleging that the student’s arrest was constitutionally unreasonable and racially motivated.

In his ruling on the defendants’ motion, U.S. District Court Judge William Smith dismissed some of the claims raised in the lawsuit, but refused to dismiss two key issues, entitling the student, designated in the case as T.J., to move forward on her claims that arresting her rather than issuing her a summons was constitutionally unreasonable, and that the decision to arrest her was racially motivated. In refusing to dismiss the latter claim and allowing the ACLU attorneys to engage in discovery on the allegation, the judge cited “disturbing” numbers showing “stark racial disparities” in arrests at Goff school, citing as one example that in “the 2017-18 school year, 57 percent of students arrested at T.J.’s school were black girls, while all black students made up just 15 percent of the student population.”

### ***LACOSTE V. RI STATE POLICE***

The Affiliate has favorably settled a five-year-old lawsuit against the RI State Police (RISP) for retaliating against a Twin River Casino employee who declined to serve as an informant in a criminal gambling investigation, and whom the Gaming Enforcement Unit then barred from her place of employment at the Casino without any explanation and without any way to appeal her exclusion.

In noting the important due process implications of the Gaming Unit’s actions, James Musgrave, the ACLU of RI’s cooperating attorney in the case, stated that “this lawsuit involved the most essential requirement of due process - an opportunity to be heard.” Under the settlement, RISP agreed to pay \$65,000 in damages and attorneys’ fees and to adopt a policy that establishes due process procedures that must be followed before excluding individuals from the casino. Prior to the filing of the settlement, the RISP had also agreed that the plaintiff could return to work there. Musgrave said that the settlement “corrected a fundamental constitutional flaw, and patrons and employees at Twin River will now be given the notice and opportunity to be heard that our Constitution requires before any adverse action can be taken.”

### ***STERN V. LOMBARDI***

In a hearing on this open records lawsuit, Superior Court Judge Kevin McHugh denied the City of Providence’s motion to dismiss the case. The Affiliate initiated this lawsuit following the City’s refusal to provide documents – or to indicate that they were not in possession of any documents – relating to a Board of Licenses’ decision to bar a rapper from performing at a local night club.

The Affiliate’s complaint rests on the City’s initial explanation for withholding all records: the documents “would not be available by law or rule of court to an opposing part in litigation.” However, after the ACLU sued to challenge their denial of access to any records, the City stated for the first time that they actually had no responsive records to provide. ACLU of RI cooperating attorney Jeff Levy noted that the open records law explicitly requires public bodies to advise requesters when they have no responsive documents. The lawsuit challenges the City’s duplicitous response as a reckless violation of the law, warranting a fine.

## Advocacy Updates



William Hall Library in Cranston

### ACLU OF RI SUPPORTS CRANSTON PUBLIC LIBRARY'S DECISION NOT TO CANCEL CONTROVERSIAL EVENT

In a dispute that highlighted the indivisibility of free speech, the Affiliate expressed support for the Cranston Public Library's decision not to cancel a controversial panel discussion on "gender ideology" that was occurring at the William Hall Library, one of their branch locations. Some individuals and groups called for the library to cancel the event due to the offensive content of the panel discussion, but the library refused, saying that it would be a violation of the First Amendment to deny use of its public space solely because of the content of the views being expressed there.

After library officials received pushback for their decision, ACLU of RI executive director Steven Brown sent a letter to the city library's director supporting his decision, agreeing that canceling the event would "run counter to a library's basic mission, and would be especially troubling at a time when libraries themselves are facing concerted efforts by outside groups to censor certain books – especially books on [LGBTQ+ issues] – based on their content." The letter further stated that while the message of the group hosting the event "deserves condemnation...silencing their speech is, ultimately, a dangerous and counter-productive way to respond."

The letter concluded with the hope that "some of the individuals taking advantage of their First Amendment right to use the library space and to listen to the discriminatory views being presented will recognize the hypocrisy of simultaneously attempting to censor the First Amendment rights of others to access LGBTQ-positive books." In the end, a huge crowd of counter-protesters exercised their own free speech rights and gathered outside the library for a rally during the panel discussion. The library is now reexamining its policies to better prepare for future controversies.

### BOARD OF ELECTIONS ACTS ON ACLU REQUEST TO ADDRESS POLLING LOCATION CHANGES

Following two election season incidents in 2020, in which local Boards of Canvassers abruptly moved polling locations in low-income and non-white communities with little notice to voters, ACLU cooperating attorney Armando Batastini worked with the state Board of Elections (BOE) to craft regulations that will provide transparency and appropriate notice before decisions to relocate polling places can be made.

The Affiliate noted that such relocation decisions pose particular harms and barriers to the economically disadvantaged, the elderly, individuals with disabilities, and BIPOC individuals. The staff and members of the BOE concurred. In September, the BOE approved the adoption of regulations, based largely on the ACLU's proposal, that set clear standards on how and when polling relocation decisions can be made in local communities, and that offer an opportunity for advance public input.





## **ACLU VOICES CONCERNS ABOUT LACK OF DUE PROCESS IN WOONSOCKET RECALL PROCEDURES**

Though the Affiliate took no position on the merits or substance of the complaints that were leveled against the Mayor of Woonsocket in the City Council's invocation of the municipal charter to remove her from office, an ACLU letter to the Council noted that there were significant issues raised by the Charter provision which had troubling due process implications and needed to be addressed.



Woonsocket City Hall

The letter noted, among other critiques, that the burden of proof for finding grounds for removal was extremely low and that more demanding criteria should be in place before the City Council could essentially overturn an election; that the grounds for a Councilperson to officially begin the recall of an elected official are extremely broad; and that the process established for initiating a removal proceeding was “dangerously simple.” The letter exemplified the municipal charter's minimal requirements by pointing out that while only one Councilperson was needed to initiate this impeachment process, even “a simple resolution congratulating the New England Patriots on a winning season would need a second to move forward.”

The letter urged Council members to amend the Charter to strengthen the standards and procedures for removing elected or appointed officials to ensure that the process was fair and would not be misused in the future. Although the Council voted 3-2 to remove Mayor Lisa Baldelli-Hunt under this Charter provision, she is running unopposed for a new term and will be back in office within two months anyway. A member of the Council has indicated she will propose Charter revisions in January to address the ACLU's concerns.



## **ATTORNEY GENERAL AND DEPARTMENT OF PUBLIC SAFETY ADOPT PROBLEMATIC BODY-WORN CAMERA REGULATIONS**

Following the passage of a bill in the 2021 legislative session which established a statewide program of “body-worn cameras” (BWC) for law enforcement departments in Rhode Island, the Attorney General and Department of Public Safety jointly drafted and put forth for public input preliminary regulations for this initiative. The ACLU of RI provided detailed comments on the draft regulations, noting overall that a program which is designed increase police transparency

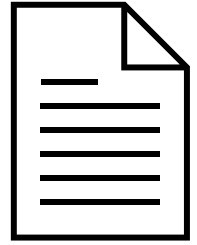
and oversight must strengthen its policies to ensure these critical priorities are met.

The Affiliate's comments called for, among other suggestions, written directives prior to the amendment or deletion of any footage from a body camera; more stringent standards for body camera deactivation; more robust provisions for public access to footage from the cameras; a bar on use of body cameras by school resource officers; and a ban on using facial recognition as a part of body camera technology.

A few of the ACLU's suggestions were incorporated into the final policy. One key ACLU recommendation that wasn't, and that has also raised concerns from media and open government groups, was the failure to amend a provision that allows police to withhold release of BWC footage of “use of force” incidents until an investigation is “substantially complete,” an open-ended standard that could delay release of footage for lengthy periods of time. The ACLU will continue to watch the implementation of this program to ensure that it is appropriately providing for public transparency and oversight to achieve its intended effect.

## A Few Days in the Life

Although the ACLU, both nationally and in Rhode Island, is probably best known for its constant and persistent battles in the courtroom to protect civil liberties, the vast majority of issues that the Affiliate handles get resolved informally and quietly. In recognition of that fact, we thought we would share below a handful of issues the Affiliate successfully addressed behind the scenes in the past two months.



- An attorney who applied for a notary public license was advised that, because of a 30-year-old misdemeanor conviction, she had to provide detailed information about any arrests she had had since then. The ACLU threatened state officials with suit if they did not retract the request since it was a clear violation of the state's "fair chance licensing" law, which bans state agencies from inquiring about arrests not followed by conviction in issuing licenses. The state quickly backed down after receiving the ACLU's letter.

- A candidate in Pawtucket complained about a City Charter provision barring candidates for local office from accepting campaign contributions of more than \$200. The state's campaign finance law explicitly authorizes individual donations up to \$1,000 in municipal elections. After the ACLU pointed out the illegality of the restriction (and the advantage it provided incumbents), the City's attorney agreed that it would not be enforced. Efforts are now underway to formally repeal the unlawful limitation.

- After hearing from constituents that they had been blocked from a Town Councilor's Facebook page, an ACLU letter to the Councilor advising him that the First Amendment barred such censorship led to their unblocking. The ACLU of RI has informally resolved many similar complaints against public officials, and filed one successful lawsuit – against Woonsocket's Mayor – on the topic.

- A transgender job applicant contacted the ACLU after the high school from which he had graduated refused to provide him a copy of his diploma with his current legal name on it. He had changed all of his other legal documents to reflect his current name, and was concerned about showing an uncorrected diploma to a prospective employer. After the ACLU pointed out to school officials that state regulations require school districts to provide corrected diplomas to individuals who have lawfully changed their name, the school district reconsidered its decision and provided the complainant with a new diploma.

- When two parents' minor children were arrested for disorderly conduct and then denied access to the police officers' arrest reports on the incident, an ACLU letter demanding that the reports be released to them, in accordance with a state law on the subject, led to their prompt release.

## Event Updates

### ANNUAL LEGISLATIVE WRAP-UP

On August 10<sup>th</sup>, the Affiliate held its annual Legislative Wrap-up (via Zoom).

Reps. Edith Ajello and Leonela Felix gave the inside scoop on a number of key pieces of civil liberties legislation that were considered this session, including bills promoting equality, police reform, voting rights, free speech, criminal justice reform and more.

A recording of the event is available on our YouTube channel: @rhodeislandaclu.

### SCOTUS PREVIEW EVENT

Last year, the U.S. Supreme Court issued a number of decisions that drastically impacted the landscape of civil liberties nationally. In September, we invited a panel of experts to give perspective on some of the cases in the 2023 SCOTUS term that will impact civil liberties.

Our thanks to panelists Diana Hassel, Deborah Gonzalez, Janet Gilligan, Jamie Rhodes, Sonja Deyoe and Lynette Labinger for their participation and informative discussion, and to all our supporters who joined the meeting. This recording is available on our YouTube channel: @rhodeislandaclu.

## Job Openings



The ACLU of Rhode Island is in the middle of the hiring process for two job positions. One is for a full-time nonprofit communications generalist to help manage and oversee the organization's educational, media and digital communications efforts, and the other is for a full-time nonprofit development generalist to help manage and oversee a diverse array of strategic and administrative fundraising and development activities. For a comprehensive description of these positions and candidate qualifications, please visit [riaclu.org/jobs](https://riaclu.org/jobs).

## Volunteer Opportunity: Poll Monitoring

Help the ACLU of RI examine and address any problems that voters encounter at the polling place on Election Day. If you have an interest in helping us monitor the electoral process on November 8<sup>th</sup>, email us at [info@riaclu.org](mailto:info@riaclu.org).

## ACLU of Rhode Island Board Elections

Are you interested in being considered for the ACLU of RI's Board of Directors? If so, let us know and we will provide you information about the process and Board Member duties and responsibilities. We especially welcome a diverse pool from our membership. You can let us know of your interest by emailing us at [info@riaclu.org](mailto:info@riaclu.org).

## Know Your Rights: Voting in the General Election

The Rhode Island General Election is on Tuesday, November 8, 2022! Visit our website at [riaclu.org](https://riaclu.org) for an array of voting Know Your Rights information; our annual Legislative Scorecard; and candidate surveys on important civil liberties issues from those running for statewide and federal office.

The survey includes responses from candidate for Lieutenant Governor Sabina Matos; candidates for Secretary of State Gregg Amore and Pat Cortellessa; candidate for Congress Seth Magaziner; and candidate for Providence mayor Brett Smiley.

No responses were received from candidates for Governor Dan McKee and Ashley Kalus; candidate for Lieutenant Governor Aaron Guckian; candidates for Attorney General Peter Neronha and Charles Calenda; and candidates for Congress David Cicilline, Allan Fung, and Allen Waters.

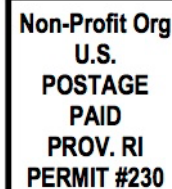
With enormous gratitude, the ACLU of Rhode Island would like to thank Nicole Cordier for her 5 ½ years of employment with the Affiliate and for all her development and communications work during that time. We will deeply miss her humor, passion, and steadfast commitment to civil liberties principles. The ACLU of RI is sad to see her go, but we wish her the best of luck on all future endeavors!

**THANK**

**YOU!!**



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Visit [www.riaclu.org/get-involved/donate](http://www.riaclu.org/get-involved/donate) to make a one-time gift or set up a recurring donation.

**YOU ARE INVITED!**

**2022 ACLU OF RI ANNUAL MEETING**

Join us – via Zoom – for our 2022 Annual Meeting on November 16th. Hear firsthand from cooperating attorneys and clients about some of our recent lawsuits, and join us in honoring the Prison Policy Initiative for its work tackling “prison gerrymandering.” RSVP today and visit our website for more info.

**WHAT:**

ACLU of RI Annual Meeting (via Zoom)

**WHEN:**

Wednesday, November 16, 2022; 6:00 PM

**TO RSVP:**

To register for this free Zoom event, visit [riaclu.org/events](http://riaclu.org/events).

**VISIT [WWW.RIACLU.ORG/EVENTS](http://WWW.RIACLU.ORG/EVENTS)  
TO RSVP TODAY!**