

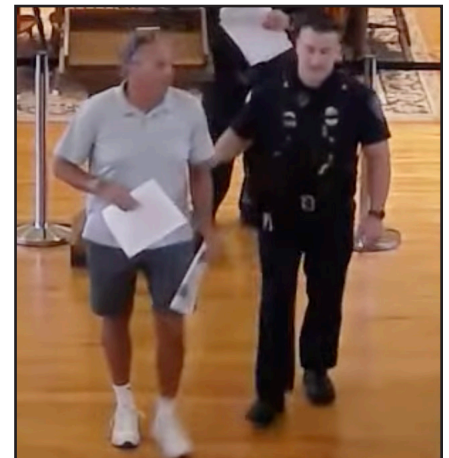
UPLIFTING FIRST AMENDMENT RIGHTS

Our First Amendment rights are under attack in many venues. Below are two free speech highlights from the past two months, one where we went to court to defend free speech at public meetings, and one where we lifted up censored materials to be heard by the public.

ACLU of RI Sues Warwick City Council Over Censoring of Public Comment Speaker

At a July meeting, the Warwick City Council removed a local resident, Robert Cote, from a public comment period after he began speaking about allegations of ethical misconduct by one of the Council members. The blatant disregard for Cote's First Amendment rights to speak and petition government was clear.

ACLU of RI cooperating attorneys Thomas W. Lyons and Rhiannon Huffman filed a federal lawsuit on his behalf, which has already led to the filing of a consent order ensuring that Cote will be able to speak in front of the City Council during public comment periods going forward. Although there may be more litigation on the matter, the lawsuit serves as a reminder to public officials that they have a responsibility to understand and protect their constituents' fundamental rights.



Cote being removed from a Warwick City Council meeting in July

Banned Books Event Highlights Censorship

We celebrated Banned Books Week at the William Hall Library in Cranston with four local authors reading from often-censored books. Censorship of race and LGBTQ+ identities were two main themes in the book readings and in the discussion with the large and receptive audience. We offer a huge thank you to our guest authors Anika Aldamuy Denise, Mike Stanton, Adam Braver, and Tina Cane (*left to right*).



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FROM THE DESK OF THE EXECUTIVE DIRECTOR

Regrettably, violations of civil liberties don't take a summer vacation. We've been hard at work in the office and the courtroom, continuing our activities on issues like students' rights and criminal justice reform. As the stories on Page 3 show, there have been major victories in two on-going cases in the past two months, defending young children and demanding less inhumane conditions for incarcerated individuals.

We also use these summer and fall months to host educational and advocacy events, and it has been a particular post-pandemic pleasure to see both familiar and new faces back in person. We've recorded our events, if you were unable to attend and would like to watch them in full. More info on that on page 6.

Our 2023 Annual Meeting is coming up on November 8, which is also back in person for the first time in four years. I invite you to join us for an evening honoring the accomplishments of two of our volunteer attorneys, and reconnecting with fellow civil libertarians. Tickets are only \$20 for a night of refreshments, socializing, and reflecting on the past year of civil liberties battles.

Thank you for being with us, as we continue the fight to defend civil liberties in the many ways that you see in this newsletter. Your support makes all this work possible.

— Steven Brown

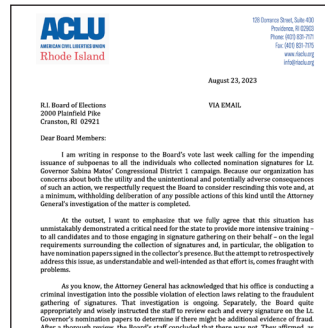
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LETTERS & TESTIMONY

VOTING RIGHTS

Letter to Board of Elections Helps to Halt Subpoena of Campaign Volunteers

Based on allegations that two of her volunteers may have submitted fraudulent signatures on nomination papers, the Board of Elections initially voted to issue subpoenas to all the campaign volunteers who gathered signatures for Lt. Governor Sabina Matos' Congressional District 1 campaign. We sent a letter expressing concerns that issuing subpoenas was unnecessary since the Attorney General was engaged in an on-going investigation of the matter, and that the Board's action could deter people from volunteering in future political campaigns. After further consideration, the Board decided not to proceed with its plans.



CRIMINAL JUSTICE

Testimony Submitted to the RI Cannabis Control Commission on Potential Regulatory Actions

While the new state law formally codifying the legality of recreational sale of cannabis addressed a number of civil liberties concerns, there remain a few lingering issues that the ACLU believes could benefit from regulatory clarification. They include the scope of proposed criminal record checks for employees and issues related to law enforcement and motor vehicles, such as the propriety of car searches on the basis of marijuana odor and the use of potential "junk science" drug recognition experts. At a public hearing, the ACLU submitted testimony urging the adoption of rules to address these issues.



GOVERNMENT TRANSPARENCY

Weekapaug Fire District Put on Notice to Remove Login Requirement on Website

Government websites should not require the public to enter personal email addresses merely to access their sites. While this should go without saying, we had to send a letter to the Weekapaug Fire District after finding that the majority of their website did require users to create an account and use personal information to log in. This practice is entirely antithetical to government transparency, and we are looking forward to seeing a positive resolution of this issue. The ACLU is awaiting a response from the district, and considering litigation if necessary.

The ACLU's testimony and letters on all these issues are available on our website under **Our Work** > [Letters & Testimony](#).

MAJOR DEVELOPMENTS IN CLASS-ACTION LAWSUITS

Since July, there have been major developments in two class action suits the ACLU of RI has filed. Read below about victories for the rights of young children in Providence and for those who are incarcerated.

STUDENTS' RIGHTS

Settlement Reached on Preschool Special Education Federal Complaint

The ACLU of RI has favorably settled a federal class-action complaint, recently filed on behalf of the advocacy group Parents Leading for Educational Equity (PLEE) and three children and their parents, which alleged that the Providence Public School Department (PPSD) failed to timely provide legally-mandated evaluation, special education, and related services to preschool students. The suit was filed by ACLU of RI cooperating attorneys Ellen Saideman and Lynette Labinger, and Jennifer Wood from the RI Center for Justice.

The federal Individuals with Disabilities Education Act (IDEA) provides for early intervention services for infants and toddlers with disabilities from birth to their third birthday. As a seamless approach to aiding this cohort, the law further requires school districts to offer a “free appropriate public education” to those children beginning with their third birthday. For many children in Providence, however, those services are not being provided. The settlement includes a series of steps designed to achieve timely and permanent compliance with evaluations and delivery of education services to these vulnerable children, including:

- *Parents of children with Individual Education Plans (IEP) will immediately begin receiving a series of notices informing them about assignments and services available to them;*
- *PPSD is adding evaluation teams to help speed up the process, and parents awaiting evaluations may secure them at PPSD's expense;*
- *For one year, a court-appointed external monitor will provide monthly reports detailing PPSD's progress in complying with the agreement and the deadlines for providing the student evaluations and special education services. A hearing on the agreement is scheduled for November.*

CRIMINAL JUSTICE

Changes Mark Major Step Forward in Lawsuit Challenging Solitary Confinement

In response to an ongoing ACLU of RI and RI Center for Justice lawsuit, significant changes have been made to policies on the use of solitary confinement at the ACI, a debilitating form of punishment that some prisoners have been subject to for a year or longer. The policy changes include:

- *Individuals cannot be kept in disciplinary confinement for more than 30 consecutive days.*
- *After the maximum 30-day period, prisoners will either be returned to “general population” or referred to a new step-down program, which consists of a progression of steps designed to return individuals to the general population after successful completion.*
- *In the step-down program, prisoners will be entitled to, among other things, a TV and radio, access to the commissary, and access to educational materials and to rehabilitative services.*
- *While in disciplinary confinement, prisoners must be given a minimum of two hours out-of-cell time every day during the first 15 days, and at least three hours during the next 15 days; they will also be provided a tablet and reading material and allowed more visitation than currently authorized.*
- *The disciplinary code has been revised to reduce the offenses that may lead to disciplinary confinement.*

These positive developments came in response to court-sponsored mediation of the lawsuit, being handled on the ACLU side by cooperating attorneys Lynette Labinger and Sonja Deyoe.

COMMUNITY EDUCATION

Thousands of Educational Materials Distributed this Summer

With the help of numerous volunteers, we distributed over 8,300 Know Your Rights materials across the state. This included tabling at different locations for the annual Back to School Rhode Island event, and providing materials to 13 community organizations. Big thanks to our volunteers for taking their Saturday morning to hand out educational materials to Rhode Island students and their families! You can find all our educational materials on our website at riaclu.org/kyr.



Barbara Cerwonka and Anne Mulready at Nathanael Green School in Providence



Faye Dion and Annie Voss-Altman at Eastbay Community Action Program in Newport



Kate Itacy and Devin Mooney at Jenks Middle School in Pawtucket

NEW Know Your Rights Materials: Ban the Box & Fair Chance Licensing

Formerly incarcerated individuals have the right to fair opportunities to apply for jobs and obtain state-issued licenses. Read or download our new Know Your Rights Q&A brochure explaining these important rights under the “Ban the Box” and “Fair Chance Licensing” laws at riaclu.org/kyr.



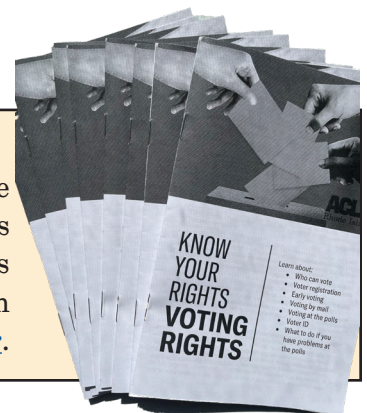
Cooperating attorney Lynette Labinger speaking about the First Amendment

First Amendment Spotlight at Pagan Festival

If you’ve been following our work over the past year, you’ll remember that the ACLU of RI won a case on behalf of the Horn and Cauldron, Church of the Earth in late 2022 after the Town of Coventry refused to grant them a zoning permit to continue holding religious services on their property. In August, the church organized a Pagan Festival and invited ACLU of RI cooperating attorney Lynette Labinger to speak about the First Amendment’s religious freedom clauses. A large and enthusiastic crowd welcomed her remarks.

Do you Know Your (Voting) Rights?

With the Congressional District 1 Special Election around the corner, we continue to distribute hundreds of our “Voting Rights” booklets. The information includes who can vote, registration procedures, voting by mail and at the polls, questions about voter ID, and what to do if you encounter problems at the polls. You can read it on our website, or download the information, any time at riaclu.org/kyr.



A MONTH IN THE LIFE

The ACLU of RI is most known for its court cases, but we resolve many day-to-day issues informally, sometimes with just a phone call or letter. Here are just a few examples of quick fixes to civil liberties infringements that we took care of in the past month to protect rights across the state.

VOTING RIGHTS, PRIVACY

Early in the morning of the Congressional District 1 primary election, a voter called us to complain that poll workers at her location were publicly announcing not only voters’ names and addresses when they signed in (as required by law), but also their birthdate. Agreeing with the voter’s privacy concerns, we immediately contacted local election officials, and they promptly advised poll workers there to stop disclosing voters’ birth information.



GOVERNMENT TRANSPARENCY

The Charlestown Town Council, upset about decisions made by the town’s elected Planning Board, threatened to go to court and argue that the Town Charter provision for an elected Board was contrary to state law and that the Council had the right to appoint the members instead. We pointed out to the Council that recent court decisions made clear that their legal arguments had no merit, and the Council then dropped the idea.

CRIMINAL JUSTICE

An attorney who has had some run-ins with the Department of Corrections was surprised when the agency refused to let her visit a former client at the ACI on the grounds that she was not an “attorney of record” in any pending litigation with the prisoner. We contacted DOC officials and argued that an attorney did not need to be involved in a pending case with a prisoner in order to be able to meet and discuss legal matters with them. Indeed, attorneys often meet with prisoners for the very purpose of deciding whether to represent them. Department officials acquiesced, and the attorney was allowed back into the ACI.

FREEDOM OF SPEECH

A local high-profile entrepreneur who was the subject of a withering *Boston Globe* investigation fired back at his critics by having his lawyer send a letter to them, demanding that they publicly retract their critical comments or else face a defamation lawsuit. Citing Rhode Island’s strong anti-SLAPP suit statute, which provides legal protection against frivolous lawsuits aimed at chilling the exercise of free speech on matters of public interest, the ACLU publicly announced it would provide representation to any individual who ended up getting sued. Three months after the deadline that the lawyer had set for critics to retract their comments, no defamation lawsuits have been filed. The ACLU remains ready to jump into action if needed.

FREEDOM OF RELIGION

As an atheist, a person who was called to jury duty in R.I. Superior Court wanted to affirm, rather than swear, her oath of service as a juror. However, the court clerk required anybody who wished to affirm the oath to separately take it in front of all the other potential jurors. The juror was troubled being singled out in this fashion because of her beliefs. We raised concerns with the court about this and urged that the oath of affirmance and swearing be given at the same time. The Presiding Justice readily agreed and has revised the court’s practices to address this issue.

GRAND JURORS OATH

“You severally and solemnly swear (or, affirm) that as members of the grand inquest for the body of the county (or counties) of _____ you will diligently inquire and true presentment make of all such crimes and misdemeanors cognizable by this court as shall come to your knowledge: the state’s council, your fellow’s and your own, will keep secret: will present no person for envy, hatred or malice: neither will you leave any person unpresented for love, fear, favor, affection or hope of reward: but you will present things truly, as they come to your knowledge, according to the best of your understanding: So help you God. (Or: This affirmation you make and give upon peril of the penalty of perjury.)”

SUMMER EVENT RECAPS

View complete recordings of our recent events on our YouTube channel by searching for **Rhode Island ACLU**.



RECAP: Virtual SCOTUS Wrap-Up

In July, we hosted a virtual discussion of the 2022-2023 Supreme Court term. A panel of ACLU of RI cooperating attorneys discussed eight major cases, their impact on civil liberties, and what to expect moving forward.

Thanks to our guest speakers: Diana Hassel, Camille McKenna, Jared Goldstein, Sonja Deyoe, and Lynette Labinger.

RECAP: Legislative Wrap-Up

We gathered for our Legislative Wrap-Up at the Cranston Public Library to hear about the biggest wins and losses for civil liberties from the recent legislative session. Our panel included Rep. Edith Ajello (*left*), Rep. Cherie Cruz (*center*), and ACLU of RI Executive Director Steven Brown (*right*).



Special thanks to these local businesses that donated desserts for our Legislative Wrap-Up!



Monica Smith, ACLU of RI Development Associate (left), accepts check from Jennifer Cahoon (right)

Art Fundraiser for Drag Defense

Jennifer Cahoon of HeARTspot Art Center and Gallery painted 13 portraits of local drag queens, and auctioned them at The Stable in downtown Providence. The auction raised \$1,700, which she donated for the ACLU's work to protect the rights of drag performers. Our heartfelt thanks to Jennifer and to everyone who came to support her work!



Jennifer Cahoon's paintings of local drag queens

UPCOMING EVENTS

2023 Annual Meeting

Wednesday, November 8 at the CIC building in downtown Providence, at 6:00pm

We're back together to reconnect at our Annual Meeting this November, for the first time in four years! Join us for wine, hors d'oeuvres, and socializing in downtown Providence.

We'll be honoring two cooperating attorneys, Sonja Deyoe and Ellen Saideman, for their long-standing commitment to, and exceptional work, in defending civil liberties in some major cases, including a few key ones in this past year. In addition, we will highlight some of the important work we have accomplished in 2023.

Mark your calendars, and come celebrate our shared commitment to civil liberties!



Tickets are \$20! Scan the QR code on the right with your smartphone camera, or go to our website at riaclu.org/AnnualMeeting.

The QR code will take you to a third-party website, ticketleap.com.



MEMBER SPOTLIGHT: Lise Iwon

A life-long civil liberties advocate, Lise first joined the ACLU of RI as a summer law intern in 1982 while she was a student at the Franklin Pierce School of Law in Concord, NH. After graduating, she ran a private law practice with her partner, Margaret "Peg" Laurence. She also returned to work with the ACLU as a cooperating attorney; her first case was arguing that boys at Exeter-West Greenwich High School should be allowed to wear shorts to graduation as a matter of their First Amendment right to symbolic speech.

Later, she joined the Board of Directors, helping to guide the organization for many years. Lise has helped countless people in Rhode Island in her never-ending commitment to civil rights and civil liberties, and helped shape the ACLU of RI into the strong and principled organization it is today.

ELECTION: ACLU of Rhode Island Board of Directors

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.

ACLU
Rhode Island

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Mail a check made out to
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MAKE A GIFT ONLINE

Go to riaclu.org/get-involved/donate
to make a one-time gift or set up a recurring
donation.

A LOOK INSIDE

You're invited:
2023 ANNUAL MEETING
November 8, 2023 at 6:00pm

Don't miss this chance to reconnect with like-minded individuals and learn about the important work done this year by the ACLU of Rhode Island.

**For more information, and to get
tickets, see page 7.**

