

REJECT QUESTION 1:

Why a Constitutional Convention Would be Disastrous for Rhode Island

As an ACLU supporter or member, you provide us the ability to protect your civil liberties – and those of every other Rhode Islander – every day. The best thing you can do to ensure that those rights stay protected is by voting to **reject ballot Question 1 in the General Election. Protect civil liberties by opposing a constitutional convention.**

REJECT QUESTION 1 A constitutional convention would open our Constitution to a wide array of anti-civil liberties amendments, an agenda that some supporters of a convention have already touted. There would be no limit on how much money that wealthy outside special interest groups – like anti-abortion or anti-immigrant organizations – could spend to influence the consideration and passage of dangerous provisions to our state Constitution. Plus, as history shows, many people who get elected as delegates to the convention are likely to have strong political connections. None of these fears are hypothetical. The last state constitutional convention in the nation was held in Rhode Island – back in 1986. It was filled with backroom politics, and four troubling anti-civil liberties amendments came out of that convention, three of which were approved by the voters.

We have the chance to prevent any potential damage to our Constitution, and save up to 5 million taxpayer dollars running a convention, by defeating this ballot question. **You can help us in this effort.** Short conversations with your friends and family who vote in Rhode Island can make a difference; so many people simply aren't aware of the damage a convention could cause. If you'd like more information, we have materials like a conversation guide, fact sheet, and FAQs on our website that can help answer any questions you may have. *Read more information on p. 5!*

Learn more at:
riaclu.org/RejectQ1

CRIMINAL JUSTICE

ACLU Prepares Suit on Behalf of Woonsocket Man Unlawfully Arrested, Incarcerated Twice

In preparation for filing suit, ACLU of RI cooperating attorney Joshua D. Xavier has submitted a formal claim with the City of Woonsocket on behalf of Mack Blackie, a man who was unlawfully arrested and detained twice, incarcerated for approximately 31 days, and prosecuted for crimes that he did not commit.

In August 2022, an apartment was broken into in Woonsocket. One of the residents, William Grover,

LOOK INSIDE

Firefighter Privacy Case Settled	2
Mario Monteiro Released	3
A Month in the Life	4
Voting Rights Information	5
Development Letter	6
Events & Community	7

told police that the individual who broke into the home was known as “Black.” Later, Officer Timothy Hammond met with Grover and asked multiple times if Mack Blackie was the perpetrator. Mr. Grover – who knew both men – explicitly stated it was not Blackie, a Liberian, and described their physical differences. Officer Hammond failed to schedule a promised photo line-up so Grover could identify the correct person, and instead falsely wrote in his witness statement that “Grover positively identified the suspect male as being Mack Blackie.” *Cont'd on p. 2*

FROM THE DESK OF THE EXECUTIVE DIRECTOR

As the front page of this newsletter demonstrates, the November 5 election holds a lot at stake for our state – and not just in the national elections. As we've made it through the summer, filled with more cases of injustice and victories alike, the vote on ballot Question 1 looms large.

I cannot emphasize enough how important it is to have conversations with others in your community to explain why it's critical we REJECT ballot Question 1, and make clear the potentially devastating consequences to our rights that could come of it. If you are already having those conversations – thank you.

If you need more information about Question 1, or some conversation starters, go to our website at riaclu.org/rejectQ1.

Regardless of the results of the election, the ACLU of Rhode Island will be here to protect and defend your rights, as we have for the past 65 years.

To close out our 65th anniversary year, we're holding our Annual Meeting on October 22. I am pleased to be celebrating it with three Civil Libertarians of the Year who have stood up for their communities and demonstrated the difference that a person can make when they stand firmly in support of their rights.

Thank you for being with us – we couldn't have made the past 65 years happen without you.

– Steven Brown

ACLU FOUNDATION of RI

128 Dorrance Street, Suite 400

Providence, RI 02903

(401) 831-7171 | www.riaclu.org | info@riaclu.org

Man Unlawfully Arrested, Incarcerated *(Cont'd from p. 1)*

Officer Hammond then obtained an arrest warrant for Blackie, based on the false claim that Grover had identified him as the perpetrator. Blackie was arrested soon after. Due to a medical condition, he collapsed in the courtroom the next morning after being held overnight and was taken to an intensive care unit. A few months later, Blackie was rearrested and charged with a felony charge of breaking and entering, and a misdemeanor charge of assault.

Because he was on probation at the time, Blackie was incarcerated for 17 days without bail as a probation violator. When bail was finally set, he could not afford even the \$100 required for release, resulting in his continued incarceration for an extra 13 days, until an employee of a non-profit he volunteered at raised the money to post his bail.

At a pre-trial conference, Grover saw Blackie in the courthouse hallway. Immediately, he realized the police had arrested the wrong man, and he informed the prosecutor. The charges against Blackie and the criminal case against him were then dropped, but Blackie suffered greatly from the false arrests and detentions, prompting the ACLU's intervention.

PRIVACY

VICTORY: Suit Settled on Behalf of Pawtucket Firefighters

The ACLU has settled a federal lawsuit on behalf of five Pawtucket firefighters whose personal lockers at the fire station were searched by police without their knowledge or consent. The settlement agreement in the suit acknowledges that the search was unlawful, violating the firefighters' constitutional right to be free from unreasonable searches and seizures as well as a state privacy law.

The unlawful searches took place in September 2023 after a Pawtucket police officer obtained a search warrant for a car owned by firefighter Patrick White based on a complaint that White was illegally transporting firearms from the vehicle. The search led to White's arrest for firearms violations. The warrant did not authorize a search of White's fire station locker, much less those of any other firefighters, nor was there any allegation that other firefighters were involved at all in White's alleged illegal activities. Nonetheless, the police, with the approval of Fire Chief John Trenteseaux, searched the plaintiffs' personal lockers without their consent one day when they were away from the station.

Under the consent judgment, the city has paid \$1,000 in damages to each of the plaintiffs, and awarded attorneys' fees to ACLU cooperating attorneys Danilo Borgas and Richard Sinapi.



Pawtucket Fire Station 6, where the unconstitutional searches took place

CRIMINAL JUSTICE

Justice at Last: Mario Monteiro is released from the ACI after Years of Delay

A lengthy ACLU legal battle is now over with Mario Monteiro, the namesake of “Mario’s Law,” the state law designed to give youthful offenders with long prison sentences the opportunity to apply for parole after 20 years, being released from the ACI at the end of July after serving more than 22 years in prison for a crime he committed at the age of 17. His release was made possible by a R.I. Supreme Court decision in an ACLU case that rejected the Attorney General’s interpretation of the law that would have barred the availability of early release for him or any other juvenile offenders for at least another decade.

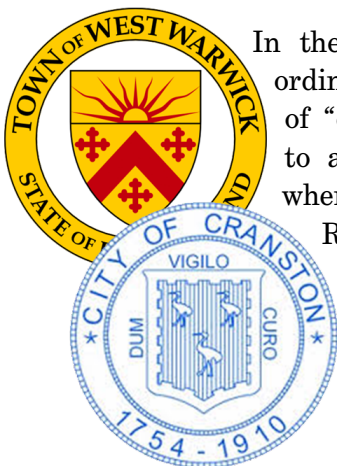


Dee Jensen, Monteiro’s aunt, spent years vigorously lobbying for the legislation that helped set her nephew free. She testified how he lost his mother when he was ten, his father when he was eleven, and then was left to be raised by a friend of his father, who exposed him to years of serious physical abuse and neglect and involvement in a gang as a young teen. The day Mario was released, Jensen said she was “overjoyed” and remarked, “Mario and all people like him deserve to have the hope that someday they will have an adult life in society. I am grateful to all those who recognized that rehabilitation is possible and that young people who commit serious crimes merit a second chance.”

Dee is one of three recipients of our Civil Libertarian of the Year award being presented at our Annual Meeting on October 22.

ACLU Works to Stem Proposed Anti-Homeless Ordinances After Devastating U.S. Supreme Court Ruling

In June, the U.S. Supreme Court, by a now-common 6-3 vote, issued a devastating ruling that essentially allows municipalities to criminalize homelessness. In Rhode Island, the ACLU is fighting vigorously against municipal efforts to take advantage of that decision. In August, the Affiliate submitted testimony to the Cranston City Council to register its strong opposition to a punitive ordinance proposed by the Mayor that would make illegal any temporary shelter on City property, impose a \$50 fine on violators, and provide for the destruction of the individual’s personal property after 24 hours. When this cruel policy, forcing people experiencing homelessness to move when they have nowhere to go, faced vigorous opposition from the ACLU, advocacy groups for the unhoused, and some Council members, the Mayor signed an executive order with similar substance. The ACLU is now working with those groups to have the City Council respond with a more appropriate and sympathetic approach.



In the meantime, the West Warwick Town Council also proposed an anti-homeless ordinance that was similarly punitive, callous, and ineffective. It provides for the issuance of “cease and desist” notices to keep people experiencing homelessness from moving to a different encampment, and proposes that any personal belongings left behind when the Town clears an encampment be immediately destroyed. With three other RI advocacy organizations, we sent a letter detailing our deep concerns about the proposal, and the Council agreed to hold off taking any action on it. However, it is expected to return in amended form, so we will be monitoring the Town Council’s actions carefully. The ACLU fears that passage of an anti-homeless ordinance in any one community may encourage its adoption in others.

A MONTH IN THE LIFE: Recent ACLU/RI Advocacy

FIRST AMENDMENT When Newport’s City Manager removed the publisher of the on-line media site *Newport Buzz* from an email distribution list used to notify designated individuals, including members of the media, of municipal activities because he said it was not “reputable,” the ACLU immediately called for his reinstatement to the list. Facing the prospect of a lawsuit from the ACLU, the city has given initial indications it will restore the site to the list.

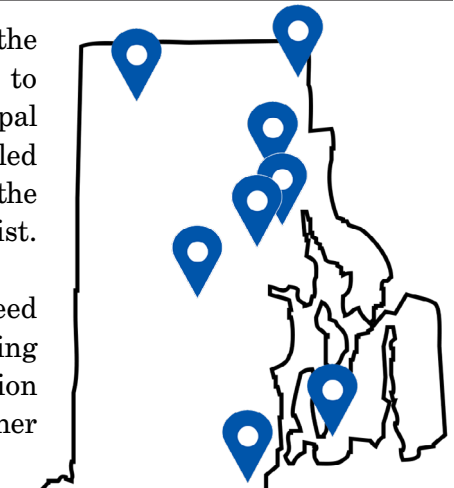
FIRST AMENDMENT Facing an ACLU lawsuit, the Burrillville Town Council agreed to repeal an unconstitutional political sign ordinance that barred the posting of political signs on private property more than 60 days before an election and carried a \$500 per day penalty. In the past, we’ve successfully sued other municipalities with similar restrictive policies.

CRIMINAL JUSTICE Facing strong opposition, the Barrington School Committee voted to table a proposal to add a School Resource Officer (SRO) to the district’s middle school. We organized 17 other organizations to urge the Committee to reject the proposal, explaining how SROs – serving as police officers in school settings – only exacerbate the school-to-prison pipeline.

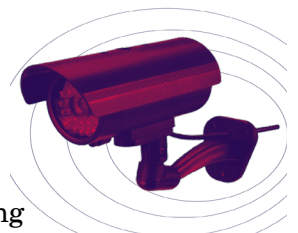
PRIVACY The ACLU continued its battle against Flock Safety, the automated license plate reader system that more and more municipalities in the state are purchasing. The latest is Cumberland, where the Town Council appears prepared to install them. At a recent meeting, ACLU/RI Board member Craig Cerwonka urged them to instead consider adopting an ordinance that will set privacy-protective standards for deployment of any police surveillance technology. Flock Safety cameras have sophisticated tracking features that can even be used to find cars with particular bumper stickers. For reference of the sheer magnitude of data captured: in Cranston over a period of 30 days, 27 cameras captured over 528,000 searchable and trackable images.

DISABILITY RIGHTS During the first week of school, the Rhode Island Department of Education and its school bus contractor failed to provide timely bus services to students with disabilities, leaving many of them waiting on street corners. When RIDE talked about taking a few weeks to fix the problem, we sent a letter demanding immediate action upon threat of a suit. Perhaps not coincidentally, the transportation problems were resolved within a few days.

DUE PROCESS Narragansett has continued its crusade to keep URI students out of the community with passage of yet more ordinances targeting them and the landlords who rent to them. The latest involved amendments to the town’s “orange sticker” ordinance – an informal name for the practice of publicly outing apartments that have been visited by police for noise complaints. Under the new ordinance, landlords no longer will receive a warning, but are subject to hefty fines on the first occasion of a complaint, even if they had no knowledge of the problem. Worse, a second violation would result in the revocation of their rental registration certificate. The ordinance was enacted despite testimony from the ACLU warning of constitutional infirmities. We are now considering taking legal action against the ordinance on behalf of students and landlords being cited under it.



“Constant vigilance” in action: We’ve sent letters and testimony to councils and committees across the state this summer when civil liberties were in jeopardy.



A Few FAQs about a Potential RI Constitutional Convention *Cont'd from p. 1*

We're seeing some of the same troubling themes we did last time a convention was held, back in 1986. The push for a 1986 convention was also supposedly all about "reforming" government, but once delegates were elected, the focus shifted to divisive social issues. Indeed, the most significant and controversial proposal to come out of that convention was a constitutional amendment declaring that "life begins at conception," designed to ban abortions in the state. In fact, the last convention passed not one, but two, amendments to restrict reproductive freedom. Already, some proponents of a convention have discussed amendments to roll back LGBTQ+ rights, the freedom to read and other fundamental civil liberties.

What is Question 1? Question 1 asks voters if they approve the calling of a state constitutional convention. 75 delegates are then elected and charged with meeting to propose amendments to the state Constitution. Under the Constitution, the question is asked every 10 years, putting our rights up for a vote.

Why would a constitutional convention be a threat to civil liberties? There are no limits on what amendments can be proposed once a convention meets, opening the door to majoritarian restrictions on individual rights. In fact, the last state constitutional convention in the nation was held in Rhode Island in 1986 – 40 years ago – and led to the passage of a number of anti-civil rights amendments to our Constitution. These included anti-abortion amendments; an amendment that eliminated the right to bail for people charged with certain drug offenses; and an amendment that significantly expanded the number of people who lost their right to vote because of a criminal record, including people receiving suspended sentences or probation. It is foolhardy to think we won't see similar attempts to undermine civil rights again.

Isn't a convention an exercise in democratic values? While a convention is often billed as an opportunity for voters to have a direct voice in state government, it's not that simple. The delegates are elected in special elections with extremely low turn out – 18% of eligible voters choosing delegates is not exactly representative. Additionally, unlike in 1986, there is no limit to how much money can be spent by special interest groups outside of our state to influence what amendments get put on the ballot, something that happens routinely across the country in ballot referenda campaigns.

Do you know your voting rights?

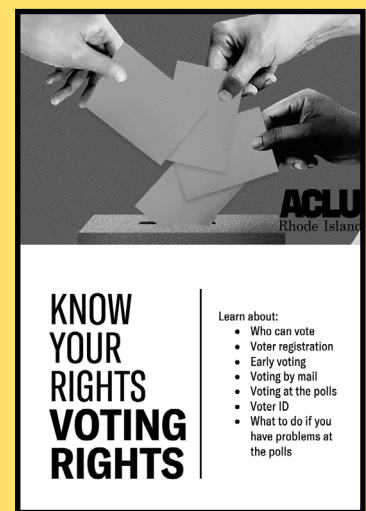
If you have any questions about your voting rights, we've got you covered. Our **Know Your Rights: Voting Rights** booklet (available online at riaclu.org/vote or by scanning the QR code below) covers such topics as who can vote; voter ID; and what to do if you have problems at the polls.

Upcoming voting deadlines:

November 4: Early Voting Ends

November 5: General Election Day; mail-in ballots must be returned to dropboxes or Board of Canvassers by 8 p.m.

Check out your early voting location and hours at vote.sos.ri.gov



We need your help! Be a poll observer on November 5.

Elections are a core part of our democracy, and you can be a part of the effort to ensure everyone gets a fair opportunity to vote by being an ACLU poll monitor. No prior experience required, we will train you and provide the necessary materials. Just reach out to us at info@riaclu.org if you have an interest!

DEVELOPMENT CORNER

Hello fellow members and supporters!

2024 marks the 65th Anniversary of the ACLU of Rhode Island. To celebrate, our board and staff planned events across the state, with the goal of hosting activities in every county and strengthening community ties. We have so far reached each county but Newport, but don't worry – we'll be there soon, ringing in the New Year with an event to kick off 2025. Be sure to sign up for our emails so you don't miss it. Although our 65th Anniversary year may be coming to an end, our work reaching every corner of our state continues.

Sign up for emails at
riaclu.org/SignUp

You should be getting this newsletter right around the time of our **annual meeting**, on October 22nd, where we are thrilled to be honoring three fantastic community advocates with our Civil Libertarian of the Year Award. If you aren't able to make it, check our social media for highlights.



After that, we are excited to be the beneficiary of **The Gala PVD**, a creative black-tie event hosted by The Stable, featuring drag performances, a three-course meal, and a silent auction. The event will be on November 15 at The Graduate Hotel – more details are on our website.

As the General Election approaches, we're preparing our **volunteer poll observers** to ensure voters' rights are protected. If you're interested in becoming a poll observer, reach out to our office to learn more about our upcoming training.

Be an ACLU poll observer!
Email us at info@riaclu.org

This is my first election year at the ACLU of RI and it has me reflecting on my journey as a voter. I've been voting since I was 18, with a brief period where I couldn't, but once my rights were restored, I've been committed to voting ever since. Growing up in Oregon, voting was easy – everything came by mail. You're automatically registered when you get a license there, and you can register to vote in communal spaces like the library. Voting felt as natural as breathing.

This year, I had to go to the polls for the primary because I didn't realize there was a cutoff for requesting a mail-in ballot – a concept I'd never had to deal with before. Here in Rhode Island, though, I've had to work harder for my vote to count. It's given me a deeper respect for the barriers people must climb to be heard. That's why in January, our Policy Associate and Executive Director will be at the State House fighting to protect and strengthen voting rights for all Rhode Islanders.



Now, I'm ready for the election in November. I will receive my mail-in ballot and not have to go to the polls. Are you ready? Follow our social media ([@riaclu](https://twitter.com/riaclu)) or visit our website (riaclu.org) to stay updated on deadlines and important state issues like rejecting Question 1.



The ACLU of Rhode Island is working tirelessly to educate voters in all four corners of the state and we need your support to keep reaching more people. Your donations and participation help us continue defending the rights we fight for. I'm proud to be on this journey with you!

– **Monica Smith, Development Coordinator**

ELECTION: ACLU of RI 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.

EVENTS & COMMUNITY

We hosted a lot of events this summer! It was wonderful to see so many of our ACLU supporters and members in different parts of the state (and virtually.)



Legislative Wrap-Up Speakers, L-R: Executive Director Steven Brown, Rep. Edith Ajello, Rep. Cherie Cruz, and Board Vice-Chair Christine Lopes Metcalfe

In July, we hosted our **Legislative Wrap-Up** in Cranston, inviting two guest legislators to talk about the bills that passed, the bills that died, and their impact on our rights and liberties. A Q&A with the audience followed, where members asked perceptive questions about legislation, the process, and what's next.

Our annual **U.S. Supreme Court Wrap-Up** was held over Zoom in late July. We invited several cooperating attorneys to explain the major court decisions of the term – and there were plenty! – and how they will affect Rhode Islanders.



Guests at the Bristol County event listen to Executive Director Steven Brown

In August, we **gathered in Bristol County** at The Guild in Warren. The event was a success, bringing together new and existing members, and ending with a motivating discussion from our Executive Director on the dangerous Constitutional Convention proposal on the ballot.



Audience listens during the Q&A at Banned Books Aloud

At the end of September, we held our **Banned Books Aloud** event at the Rochambeau Library in Providence. Local authors read from their favorite banned books, and a thoughtful discussion ensued about the censorship battles being fought in 2024.



Monica Smith, staff member, speaks to a CCRI student



Banned Books Aloud guest authors, L-R: Oge Mora, Philip Eil, Eleni Sikelianos, Jeanette Bradley, Padma Venkatraman

The ACLU of RI was invited to table at the **CCRI Democracy Fair**, a new event which brought together a wide variety of political and advocacy organizations so students could learn about the election process, candidates, ballot questions, and more. Our staff and volunteers handed out voting rights materials, swag, and information about rejecting Question 1.

ACLU
Rhode Island

ACLU FOUNDATION of RHODE ISLAND
128 Dorrance Street, Suite 400
Providence, RI 02903

RETURN SERVICE REQUESTED

Non-Profit Org
U.S.
POSTAGE
PAID
PROV. RI
PERMIT #230

Help us keep protecting your rights for another 65 years! We can only do our work across the state (just see p. 4) thanks to your support and engagement. Thank you!

ALSO IN THIS ISSUE:

Learn why you should Reject Ballot Question 1, and the danger it poses to our rights!

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

OR

MAKE A GIFT ONLINE

Mail a check made out to
"ACLU Foundation of RI" to:

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

ACLU Foundation of Rhode Island
128 Dorrance Street, Suite 400
Providence, RI 02903

