

## DEFENDING FIRST FREEDOMS

Freedom of speech and freedom of religion are two fundamental civil liberties, codified in the First Amendment, that have long been priorities of the ACLU of RI. In the days just before and after the beginning of 2024, we filed two lawsuits that highlight why these are such important rights...

### FREEDOM OF SPEECH AND ASSEMBLY

#### **Court Order Entered in Lawsuit Challenging Landlord's Retaliatory Conduct Against Tenants Seeking to Organize**

The ACLU and the R.I. Center for Justice obtained an interim court settlement in a lawsuit filed in December 2023, successfully challenging the threatened evictions of tenants for associating with Reclaim RI, a non-profit agency that organizes tenants to vindicate their rights to safe and healthy housing conditions.

The lawsuit, against Elmwood Realty and its manager Jeffrey Butler, argued that the threats against the tenants were a clear violation of state law, which prohibits retaliation against individuals for becoming members of a tenant's rights organization or availing themselves of other remedies available to tenants for violations of housing laws. (Cont'd on p. 2)



Water damage at an Elmwood Realty property. Photos courtesy of Plaintiff Jordan Towns.

### FREEDOM OF RELIGION

#### **ACLU and RWU Law School Clinic Sue over ACI's Failure to Accommodate Native American Prisoner's Religious Freedom**

The ACLU of RI has filed a federal lawsuit against state Department of Corrections' (RIDOC) officials for refusing to accommodate the religious practices of a Native American prisoner. The lawsuit, filed with the RWU Law Prisoners' Rights Clinic, argues that RIDOC's refusal to allow the prisoner to wear an Apache headband, along with its policy of deciding what religious beliefs and practices align with the person's religious designation, violates his rights under a federal law designed to protect the religious freedom of incarcerated individuals. (Cont'd on p. 2)



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### NEW REPORT: PUBLIC COMMENT POLICIES

READ MORE ON PG. 3

Does your local city or town council have good public comment policies? Our report provides a breakdown of every city, town, and school district in the state, plus an analysis of what makes policies better or worse from an open government perspective.

## FROM THE DESK OF THE EXECUTIVE DIRECTOR

2024 has started out strong. Between our 65th anniversary kick-off and the legislative session, we've seen new faces and all too familiar bills.

We have some of our priority legislation outlined in this newsletter. You can take a look on page 4 and find what issues matter most to you. Whether your personal priorities are same-day voter registration in this Presidential election year, or privacy protections for your child in school, I encourage you to choose one or two topics and bills to follow and act on this legislative session. For guidance, you can check out the helpful advocacy toolkit on our website.

Here at the office, it's our full-time job to keep track of hundreds of bills, and we know that even just a few voices opposing or advocating for a specific bill can make a difference.

Your voice is important, at every level of government. We recently released a new report outlining the public comment policies of every municipality's council and school committee in the state, and how they could be improved. You can find the rules for your local meetings, and see if they have good public comment policies in place or ones that could use some revisions.

I say it often, but I always mean it: Your voice and your support of our work can make change happen. Thank you for being with us, and for fighting for important, positive change in our state.

— Steven Brown

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## LAWSUIT UPDATES (CONTINUED)

### **Landlord's Retaliatory Conduct** (Cont'd from p. 1)

In September, tenant organizers for Reclaim RI began speaking with tenants at Elmwood's housing complexes in Pawtucket and West Warwick about organizing to address common concerns about conditions in their rented homes. After some of the tenants talked with Reclaim RI organizers and called the city's code enforcement agency to report housing violations, they were given notices of termination of tenancy. In addition, the manager called up the organizers and explicitly told them "if at any time you talk to any of my tenants, the tenants are gonna get a 30-day notice to vacate the premises."

Under the consent order, the defendants have agreed not to proceed with any eviction proceedings against tenants named in the suit at any time based on their meeting or talking to tenant organizers or reaching out to health and safety officials. Just as importantly, the order acknowledges that it is within the tenants' rights to communicate with tenant union organizers without any interference. The lawsuit had emphasized the chilling effect that the landlord's threats had against tenants who wanted to talk to the Reclaim RI organizers.

### **Prisoner's Religious Freedom** (Cont'd from p. 1)

The plaintiff, Wolf Pawochawog-Mequinosh, is Native American and was raised in the spiritual tradition of the White Mountain Apache Tribe. Wolf believes that wearing the headband "expresses his sincere religious beliefs arising from the Apache tradition." The lawsuit notes that the DOC allows Muslim and Jewish prisoners to wear kufis and yarmulkes, and that Native American headbands are recognized as a religious item by the Federal Bureau of Prisons.

Nonetheless, RIDOC has repeatedly denied Wolf's requests for a headband on the grounds that his religion is designated as "Pagan/Wiccan" in RIDOC's data management system and an Apache headband is not an approved religious item for people with that designation and, further, that Apache headbands have not been approved as a religious item in *any* RIDOC facility.

The suit, filed by Jared Goldstein, Director of the RWU Clinic, and ACLU of RI cooperating attorney Lynette Labinger, seeks a court order allowing Wolf to "obtain and wear an Apache headband, without giving up his ability to practice other aspects of his sincere religious beliefs," whether or not they align with his religious designation in RIDOC's system. The suit also requests the issuance of an injunction ordering RIDOC to revise its policies and procedures. The lawsuit has been filed under a federal law that bars states from imposing any substantial burden on a prisoner's exercise of religion unless it furthers a compelling interest and is the least restrictive means available.

## NEW REPORT: PUBLIC COMMENT POLICIES

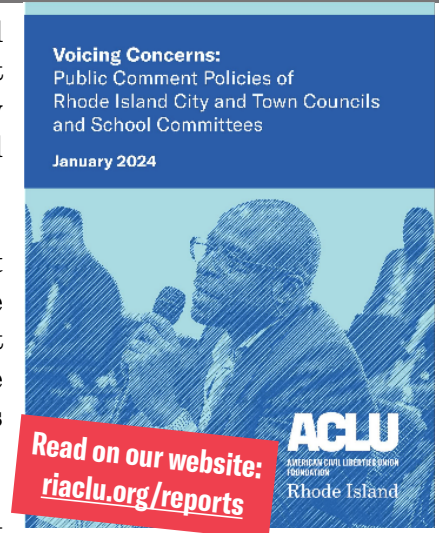
Do you know the public comment policies of your local city or town council or school committee – the public bodies that make some of the most important decisions in your community? We have tried to make it as easy as possible for residents to read about their local public bodies’ policies and compare them to other municipalities and districts.

The information is in our new report, *Voicing Concerns: The Public Comment Policies of Rhode Island City and Town Councils and School Committees*. The report analyzes the limits that public bodies impose on public comment at meetings and contains robust recommendations for how to improve these policies in order to ensure public comment periods are as accessible as possible without imposing undue burden on the entities.

Our takeaways? There are some clear ways in which public bodies limit public comments, whether intentionally or not, that could be improved:

- ☒ Some public bodies don’t allow members of the public to speak on matters that are not on the agenda.
- ☒ One-fifth of the public bodies set very brief time periods for public comments, some as short as 15 minutes.
- ☒ Many policies contain broad, and likely unconstitutional, “decorum” rules banning comments that are deemed “uncivil,” “derogatory,” “impertinent,” or “inappropriate.”

The report encourages the public to lobby their public officials to adopt more open policies that promote greater public participation.

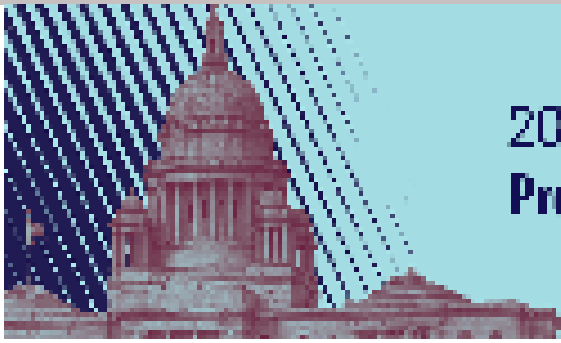


## LETTER: ACLU, Community Groups Press for Police Reform

On the first day of the 2024 legislative session, the ACLU and eight other Rhode Island organizations sent a letter to the Rhode Island House and Senate leadership and legislators, urging them to prioritize this year the passage of police reform bills that are aimed at promoting police-community relations.

The letter cites several examples of bills that have received strong organizational and community support in the past, but have yet to see substantive movement, including the following:

- The legislature has failed for three legislative sessions to reinstate a statute that expired in July of 2020 which requires the collection and analysis of traffic stop data for evidence of racial profiling, a law which many other states have adopted. Rhode Island, which was the first state to pass such a law back in 2000, now lags behind.
- The General Assembly has heard legislation since 2021 that would restrict certain types of use of force by police officers, but the legislation has died in committee each year. In the meantime, between May 2020 and October 2021 alone, 24 states statutorily either restricted or banned the use of chokeholds in the course of policing.
- Rhode Island is one of only two states in the country that does not have a decertification mechanism for officers who have engaged in misconduct, and bills to end that distinction have died in committee.
- Efforts through legislation to promote greater public accessibility to police department findings of misconduct by its officers have been stymied.



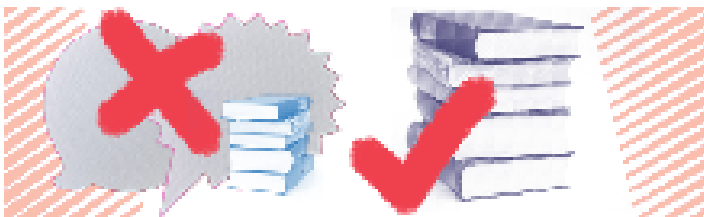
## 2024 Rhode Island Legislative Session Proactive Civil Liberties Legislation

Another legislative session has begun, and the ACLU of RI continues to show up for Rhode Islanders at the Statehouse. Every year, we work with legislators to support bills providing much-needed protections of civil liberties in our state. Below is a summary of some of that legislation. We'll cover bills that are a major threat to civil liberties in our next newsletter. (Not all bill numbers are available, as legislation was still being introduced as this newsletter went to press.) *For more info, go to [www.riaclu.org/legislation](http://www.riaclu.org/legislation).*

### FIRST AMENDMENT RIGHTS

#### **Librarian Defense to Crime of Obscenity** (H 7575)

Particularly in light of the disturbing crusade against LGBTQ+ affirming literature occurring in school libraries across the country, this bill is an important effort designed to prevent similarly censorious mischief in RI. The legislation would make clear that the state's obscenity laws do not apply to literature with "educational and governmental" value, including materials in a "bona fide school, museum, or public library." Passage of this legislation would give peace of mind to school librarians across the state who, like their counterparts elsewhere, are facing coordinated campaigns of censorship.



### RACIAL JUSTICE

#### **Data Collection on Racial Profiling** (H 7099, S 2137)

The Comprehensive Community-Police Relations Act mandated reporting of traffic stop and search data by race from every RI law enforcement agency. The expiration of this requirement in July 2020 reinforced both the need for its renewal and for significant amendment to ensure that it truly achieves its intent. This legislation would reinstate the law and add more stringent requirements for analysis of the data and establishment of a community advisory board with oversight over the process.

### PRIVACY

#### **School Computer Privacy** (H 7046, S 2145)

Distributing laptops to students in public schools for home use is now commonplace. Unfortunately, students have virtually no privacy protections when they use these computers, with school administrators having blanket access to the laptop's microphone and camera. This legislation would greatly limit remote access to the computers by school officials.



### CRIMINAL JUSTICE

#### **Juvenile Interrogation** (H 7096, S 2116)

Following an incident handled a few years ago by the ACLU, in which an eight-year-old student was removed from her school bus based on another child's claims that she had "chemicals" in her backpack, and then questioned in police custody without her parents' knowledge, we are supporting this legislation that would require parental notification and involvement before juveniles can be questioned by law enforcement.

### REPRODUCTIVE FREEDOM

#### **"Health Care Provider Shield Act"** (H 7577, S 2262)

As states around the country pass laws banning abortions and transgender health care, R.I. medical professionals who provide health care to patients from those states face potential civil and criminal penalties under those laws. The ACLU is part of a large coalition supporting this bill, which would protect local medical providers from any such efforts.

**NATIVE AMERICAN RIGHTS**

**Indian Child Welfare Act State-Level Codification**

Last year, the Supreme Court of the United States protected the sovereignty of tribal nations when it turned away a legal challenge to the Indian Child Welfare Act (ICWA), which places tribal authority over the custody and placement of Native American children. However, the Court left open the possibility that future legal challenges to this federal law might succeed, indicating a need to protect these rights at the state level from any future federal lawsuits. This bill, by codifying ICWA in Rhode Island law, as a number of other states have also done, will affirm this important tribal autonomy.

**VOTING RIGHTS**

**Same-Day Voter Registration (H 7474)**

This proposed constitutional amendment would remove the state Constitution’s onerous requirement that bars individuals from voting in an election, except for President, unless they have registered to vote at least 30 days in advance, one of the longest time periods in the country. Allowing qualified individuals to register to vote closer to an election would provide the public with a better opportunity to participate in the franchise, and this amendment would appropriately give the General Assembly the ability to establish a shorter time frame for residents to register.



**Prison Gerrymandering (H 7070)**

Throughout the redistricting process – by which legislative districts are redrawn in Rhode Island every ten years – our organization has been vigilantly defending the need to simultaneously address the issue of prison gerrymandering, the practice of counting incarcerated individuals at the ACI as residents of Cranston rather than their home districts. While the state’s redistricting commission recognized the equity concerns underlying this issue and reallocated approximately 41% of the incarcerated population in 2020, we will continue to push for this legislation which would provide for a 100% reallocation of prisoners to their home communities for redistricting purposes for the next reapportionment in 2030.

**OPEN GOVERNMENT**

**Access to Public Records Act Reform (H 7181, S 2256)**

The ACLU has joined with a coalition of open government groups to support legislation that would make important comprehensive changes to the law to strengthen access to public records. They include limiting the costs that can be charged for releasing records that are in the public interest, providing greater access to records of police misconduct, and requiring greater transparency by public bodies in explaining their reasons for withholding records.



Sponsors of the APRA Reform bill, Rep. Serpa (left) and Senator DiPalma (right) speak at a news conference on February 8, 2024, announcing the legislation. Photo by Hannah Stern.

**Constitutional Convention**

Every ten years, Rhode Islanders vote on a ballot question which allows them to choose whether to hold a state constitutional convention, and Rhode Islanders will be voting on that question in November. The ACLU will be strongly urging a NO vote.

Rhode Island was the last state in the country to hold a constitutional convention – back in 1986 – and it was a civil liberties nightmare. The convention, which was suffused with political wheeling and dealing, proposed two anti-abortion constitutional amendments (one of which was approved by the voters) and two others which adversely impacted communities of color.

The reconvening of a convention would encourage outside special interests to come into Rhode Island to push their pet constitutional amendments. We will be sharing more information as the election approaches, but we urge awareness of the dangers that calling a convention would generate.

## 65 YEARS AND COUNTING...

Hello Fellow Civil Libertarians,

I have been so grateful to meet so many new faces and I look forward to meeting more of you. I have some exciting news to share with you! This year is our Affiliate's 65th Anniversary, and I want to invite you to join in our planned festivities and to urge your financial support for this special year.

As part of our mission to keep fighting for justice, we're gearing up for **401 Gives Day** – a day of giving to Rhode Island nonprofits that happens each year on April 1st. If you don't take advantage of the donation envelope included with this newsletter, **I hope you'll make a tax-deductible donation on April 1st as part of this annual statewide event – or even consider offering a match to donations we receive that day and help increase our impact.** If you want to help us raise twice as much, please let me know.



Second, the ACLU Foundation of Rhode Island has the honor of being the beneficiary of **The Gala PVD**, an annual nonprofit fundraiser organized by The Stable. **We're seeking businesses and individuals to be sponsors, or to donate to an auction for this black-tie extravaganza on November 15, 2024.** All money raised will go directly to our work protecting civil liberties in the Ocean State. If you are a small business owner or have an employer that would like to participate then let's connect! You can reach me at the ACLU office.

This is the year to get involved – we're celebrating our 65th birthday with events in every county in Rhode Island, bringing our community together to celebrate our achievements and plan for the future (see more on p. 7)! Your donation will help us keep these celebrations going strong and continue our vital work advocating for the rights of all Rhode Islanders.

Are you ready to make a lasting impact? Use the envelope in this newsletter, join us as a donor for 401 Gives Day, become a sponsor of The Gala PVD, or attend one of our upcoming events, and help us continue our vital work in Rhode Island. Let's show the state what we can do when we come together for justice!

–Monica Smith, Development Associate



### MEMBER SPOTLIGHT: Craig Cerwonka

A member since 2002, and Board Member for over a decade, Craig Cerwonka has been a consistent and dedicated supporter of the ACLU's work. He first became a card-carrying member of the ACLU post-2001, when he saw that the government was considering using the Patriot Act to demand lists of books people checked out from libraries, and he was shocked at the idea that the government could "turn your own librarian against you."

Years later, he began volunteering with his daughter and helped film the ACLU's long-running television show, *The Rights of a Free People*. He was encouraged to run for the Board of Directors, and has continued to be a part of the organization's leadership for over ten years. When asked why donating to the ACLU is important, he says he thinks of his children's future, and how critical it is to keep civil liberties intact whenever they come under attack.



# EVENTS

## RECAP: Stories of Defending Justice

Thank you to everyone who helped kick off our 65<sup>th</sup> year. We had a fantastic time at Pizza J's, meeting new folks and reconnecting with familiar faces. We heard from board members Christine Lopes Metcalfe and Carl Krueger, and former Board Chair-turned legislator, Rep. Cherie Cruz.



Board Member Carl Krueger shares his ACLU journey.

We'll be in every county in Rhode Island with more events during the year, and we hope to see you there!



Special guest Rep. June Speakman answers questions from the audience.

## RECAP: Legislative Advocacy Training

A full house gathered in Cranston to learn more about the legislative process, and how to stay actively and effectively engaged this legislative session (and beyond). Huge thank you to our guest panelist, Rep. June Speakman, who provided her expert perspective as a legislator.

Missed it? Find our advocacy trainings on our website, available at [riaclu.org/advocacy101](http://riaclu.org/advocacy101).

## Twilight Zone Screening & Discussion

Monday, April 8, 5:30pm  
Warwick Public Library, 600 Sandy Ln.

We're entering the Twilight Zone to examine civil liberties! Join us to watch some classic 1960s episodes, followed by a discussion of the themes that are still as relevant today. More information available soon on our website. *Fun fact: The Twilight Zone first aired in 1959, and is also celebrating its 65<sup>th</sup> anniversary!*



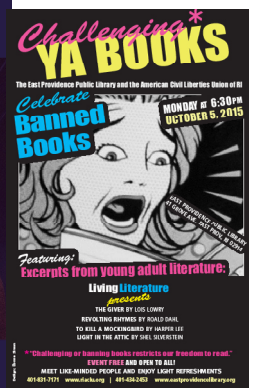
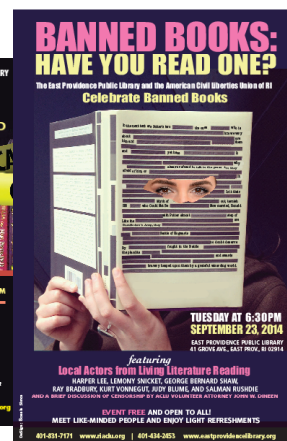
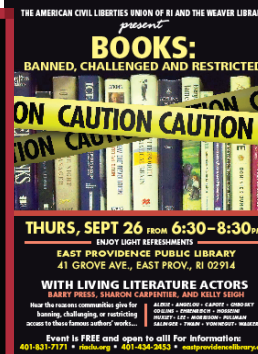
## Trivia Night!

May 2024, in Washington County  
Date and time TBA

Think you know a lot about civil liberties, or want to brush up on your fun facts? We're bringing back civil liberties trivia! Even if you don't think you're an expert, we'll be quizzing everyone on a wide range of topics related to your rights. Keep an eye out for more details in the coming months.

## IN MEMORIAM: Bonnie Simon

Bonnie was a remarkably talented and creative artist and publisher who generously donated her time and skill to create wonderful Banned Books Week event posters for the ACLU of RI over many years. We offer our deepest condolences to her friends and family.



Posters designed by Bonnie from 2012-2015 (left to right).

**ACLU**  
Rhode Island

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**Guess what? We're turning 65 this year!**

But here's the thing: we couldn't have done any of it without YOU. Your support, your passion, your dedication — those are the things that keep us going, fighting for justice every day.

**As we gear up for another year of making a difference, we need your help. Your donation ensures that we can keep fighting the good fight, advocating for the rights of all Rhode Islanders.**

**⇒ MAIL A DONATION**

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

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

**OR**

**⇒ MAKE A GIFT ONLINE**

Go to [www.riaclu.org/donate](http://www.riaclu.org/donate)  
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