

THE NEWSLETTER OF THE ACLU FOUNDATION OF RI

ACLU OF RI SUES TRUMP ADMINISTRATION

INTERIM VICTORY AFTER ARTISTS FILE FIRST AMENDMENT CHALLENGE TO NEW GRANT REQUIREMENTS

Artists and theater groups have filed a lawsuit challenging a new certification requirement for National Endowment for the Arts’ (NEA) grants that requires applicants to attest that they will not “promote gender ideology” in order to be eligible for funding, and that blocks any projects that “promote gender ideology” from getting an award. The lawsuit, filed by the National ACLU and the ACLU of Rhode Island, calls the new requirement “an unlawful and unconstitutional exercise of executive power that has sowed chaos in the funding of arts projects across the United States, causing grievous irreparable harm” to artists and art organizations.

The day after the suit was filed, the NEA agreed to remove the certification requirement in order to apply for funding while the the case is pending. While this is a positive first step, a hearing is scheduled to address the legality of whether the NEA can implement the new eligibility criterion and deny awards to projects that appear to “promote gender ideology.”



Speakers at the March 6 press conference announcing the lawsuit.
L-R: Emily Cachapero, Jess Ducey, Giselle Byrd, Kristy DuBois

In January 2025, President Donald Trump signed an executive order that directs that, “Federal funds shall not be used to promote gender ideology.” The lawsuit argues that the NEA’s implementation of that order violates the First Amendment by singling out a particular viewpoint for a ban on federal arts funding and is unconstitutionally vague by failing to adequately define what it means to “promote gender ideology.” The suit further alleges a violation of the Administrative Procedure Act’s prohibition on “arbitrary and capricious” federal agency actions, and that the certification requirement and gender ideology prohibition exceed NEA’s statutory authority since the statute expressly limits the agency’s review of applications to their artistic merit and excellence. *Cont’d on p. 3*

UPDATED: “KNOW YOUR RIGHTS” MATERIALS

Do you know your rights if you interact with police or immigration agents (ICE)?

We have newly updated “know your rights” materials, ready to be shared digitally or physically in ten languages. Print your own copies from the PDFs on our website, or reach out to our office at info@riaclu.org or 401-831-7171 and we will try to accommodate requests for printed materials.

- Cape Verdean Creole
- Dari
- English
- French
- Haitian Creole
- Khmer
- Pashto
- Portuguese
- Spanish
- Swahili

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FROM THE DESK OF THE EXECUTIVE DIRECTOR

These are trying times, but don't give in to discouragement. Join us to keep fighting for our most fundamental rights. We are facing the chaos and harm that the Trump administration is unleashing, and the uncertainty of how it will affect us here in Rhode Island. In addition to reacting to the drumbeat of assaults on our liberties – suing to challenge the unconstitutional actions that undermine our basic rights – we are committed to moving forward to improve our state proactively, in the State House and our communities.

Join us in community action. I've seen Rhode Islanders step up in the past month. From the plaintiffs in our NEA case, to the hundreds of people who have shown up to our recent advocacy trainings, each action means our community is coming together to safeguard our rights. It can feel difficult to put yourself out there to submit testimony or speak at a local city council meeting, but a collective effort is the only way we will protect our democracy.

Join us in rejecting surrender. Whether it's big or small, every action you take to fight the anti-civil liberties tide we are facing is a statement against repression. Every individual action will help make us all stronger. See page 7 for some actions you can take and resources you can use to get and stay involved!

Thank you for being with us – we couldn't do this 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

PROTECTING IMMIGRANTS IN RI

ACLU Calls on Rhode Island Municipalities to Enact Model Immigrant Protection Ordinance

In response to the Trump Administration's various attacks aimed at immigrants during the President's first week in office, the ACLU of Rhode Island sent a letter urging municipal officials to adopt a comprehensive ordinance designed to protect their immigrant communities from constitutionally dubious federal actions and pronouncements. The ACLU's letter to municipalities emphasized the important role that local officials can play in protecting residents from questionable demands of federal immigration officials.

In a letter accompanying the draft ordinance, the ACLU noted that "ordinances like this one promote public safety by maintaining and encouraging positive police-community relations. Residents serve as witnesses, report crime, and otherwise assist law enforcement. The foundation for this cooperation can often be destroyed when local police are viewed as an extension of the immigration system." The ordinance, the letter added, "in no way bars your police officers from continuing to cooperate with ICE in enforcing immigration law when backed by judicial authority or otherwise properly mandated by federal law." Many officials are unaware that they have no legal obligation to honor immigration civil detainer requests.

Court Approves Settlement in Class Action Lawsuit on Behalf of Immigrants and their U.S. Citizen Spouses

A lawsuit the ACLU of Rhode Island began in 2018 has been settled by the ACLU of Massachusetts, a win for married couples in New England whom the first Trump administration tried to separate when one of them was seeking citizenship status. The two-year settlement agreement provides a process by which most noncitizen class members married to U.S. citizens can pursue their legal residency status without facing the prospect of detention and deportation.

That is what happened to Lilian Calderon, a Rhode Islander, Guatemalan immigrant and mother of two who came to the U.S. when she was 3. Married to a U.S. citizen, she was detained by immigration enforcement officers when she appeared for a hearing to apply for citizenship. She was then held in a facility in Massachusetts for nearly a month. She was released from detention following ACLU legal action. In the years since this lawsuit was filed, she continued to pursue her legal status and eventually became a lawful permanent resident. Last year, she became a U.S. citizen. The successful resolution of her lawsuit will help hundreds of other New Englanders work their way to citizenship status.



Lilian Calderon and her husband in 2018, after she was released from ICE detention.

MORE LAWSUITS FILED AND SETTLED

Artists File First Amendment Challenge *Cont'd from p. 1*

The lead plaintiff in the case, Rhode Island Latino Arts (RILA), is a nonprofit organization that celebrates and supports visual art, music, theater, and more from the Latino community. RILA had planned to apply for NEA funding for a production of “Faust,” for which it considered casting a nonbinary actor, or for a storytelling program, previous iterations of which included discussions of LGBTQ+ topics. Due to the new NEA requirements, RILA is changing its project to prevent running afoul of the new certification and funding prohibition.



Scan this QR code with a smart phone to make a tax-deductible donation — help us defend the rights of Rhode Island people and organizations!

The suit, filed by ACLU of RI cooperating attorney Lynette Labinger, National ACLU attorneys, and David Cole, asks for a preliminary injunction against the agency’s implementation of the executive order before the grant application deadline, which has been moved to April 7, and a declaration that the NEA’s certification requirement and prohibition on funding any projects that “promote gender ideology” are unconstitutional.

Proposed Settlement of RIPTA Data Breach Class-Action Lawsuit Reached

A proposed settlement has been filed in the ACLU’s class-action lawsuit against the Rhode Island Public Transit Authority and UnitedHealthcare New England over an August 2021 data breach that compromised the Social Security numbers and other personal information of thousands of individuals, including many with no connection to RIPTA.

If approved by the court, the settlement would include various levels of financial compensation and five years of credit monitoring to the over-19,000 RIPTA and state employees whose data was breached. A hearing on the proposed settlement is scheduled for the end of March. The lawsuit has been handled by ACLU of RI cooperating attorneys Peter Wasylyk and Carlin Phillips.

PRISONER RIGHTS’ LAWSUITS OBTAIN INTERIM RELIEF

ACLU and RWU Law School Clinic Sue Over ACI’s Failure to Accommodate Muslim Prisoners’ Religious Freedom

A lawsuit filed on behalf of four incarcerated Muslims challenges the R.I. Department of Corrections’ (RIDOC) restrictive policies governing their ability to practice their religion, including significant constraints on their ability to observe Ramadan, a holy month that began the end of February. The lawsuit, filed by Jared Goldstein from the RWU Prisoner’s Rights Clinic, and ACLU of RI cooperating attorney Lynette Labinger, argued that RIDOC had violated the plaintiffs’ right to the free exercise of religion by limiting their ability to faithfully observe Ramadan in the past and by imposing restrictions on their practices not imposed on Christian prisoners. As an interim response, RIDOC officials agreed to revise their practices that had limited the plaintiffs’ ability to appropriately observe the month-long holiday.

ACLU of RI Lawsuit Halts Violation of Attorney-Client Privilege at State Prison

The ACLU of RI won a victory for government transparency when RIDOC acknowledged its obligations to follow the public rule-making provisions of the state’s Administrative Procedures Act in revising its policies governing prison mail and visitation, and also to protect the privacy of mail exchanged between prisoners and attorneys. The lawsuit was filed by ACLU of RI cooperating attorneys Sonja Deyoe and Lynette Labinger, after RIDOC unilaterally adopted policies that allowed prison staff to open, copy, and withhold privileged mail between prisoners and attorneys, and required visitors to submit to having their photographs taken for a RIDOC database. The disputed policies have been halted while the case remains pending.

GOOD BILLS FOR CIVIL LIBERTIES AT STATEHOUSE

Every year, we publish some of the “good” bills introduced at the beginning of the session – bills that will protect or expand civil liberties in our state, if enacted into law. These bills range from privacy for kids using school-loaned computers at home, to redefining misdemeanor crimes to protect immigrants from facing deportation for minor offenses, to reinstating police traffic stop data collection procedures to determine the extent to which racial profiling may be occurring on our roadways.

Pick a bill, send an email or make a phone call to your state legislators, and tell them your views on it! Remember – your words as a constituent hold weight. For more information about any of these bills, check out the legislative section of our website.

FIRST AMENDMENT RIGHTS

Freedom to Read Act (H 5726, S 238)

In a time when book challenges in libraries have exponentially increased, the ACLU has joined with a large coalition to support legislation that will protect libraries from censorship attempts by outside groups and shield librarians from civil and criminal charges for doing their job and making an array of materials available in their libraries.



Senator McKenney speaks about the bill.
Photo courtesy of Steve Ahlquist.

See p. 6 to read about a recent example of a book censorship controversy in Gloucester!

REPRODUCTIVE FREEDOM

Reproductive Freedom and Gender-Affirming Care Health Data Privacy Act (H 5857)

In an effort to protect reproductive and gender-affirming healthcare data, the ACLU supports this legislation, which limits the dissemination and sale of consumer health data without consent. The bill is a direct response to efforts in some “red states” to track the location of individuals who may be seeking health care outside of their own state where the care may be prohibited. Unfortunately, modern technology makes such tracking much too easy; hence this bill.

IMMIGRANTS’ RIGHTS

364 Day Misdemeanors (H 5502, S 63)

Under federal immigration law, various minor offenses carrying a potential sentence of a year or more can lead to harsh immigration penalties, including mandatory deportation. This legislation would reduce the maximum sentence for a misdemeanor charge from one year to 364 days. This one-day tweak would protect residents from those harsh immigration consequences as a result of the commission of minor offenses that presently carry a potential maximum one-year sentence.

ACCESS TO THE COURTS

Civil Rights Enforcement Act (H 5223, S 538)

The Rhode Island Supreme Court has held that, without legislative authorization, the state Constitution’s Declaration of Rights is not enforceable. This bill would provide long-overdue mechanisms to enforce that document, which “guarantees” the State’s residents critically important civil liberties, like the federal Bill of Rights, including freedom of speech, due process, freedom from unreasonable search and seizure, and equal protection of the laws.

JUVENILE JUSTICE REFORM

Juvenile Interrogation (H 5298, S 148)

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.

RIGHT TO PRIVACY

School Computer Privacy (H 5176, S 232)

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. The bill has passed the House for the third year in a row and is headed for the Senate.



RACIAL JUSTICE

Comprehensive Community-Police Relationship Act (H 5220, S 307)

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.

VOTING RIGHTS

Prison Gerrymandering (H 5538)

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 2022, 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.

ECONOMIC JUSTICE

Homeless Bill of Rights (H 5665)

Over a decade ago, Rhode Island codified the first-in-the-nation Homeless Bill of Rights and recognized the dignity and civil rights of those who are unhoused. We strongly support this legislation which includes a number of updates to this important statute, including a strengthening of the remedies available for violations of the law, clarifying that police may not enter encampment tents without a warrant, and requiring sufficient notice and relocation options before an encampment could be shut down.

NEW: Legislative Dashboard

To keep track of some key bills that could affect our civil liberties, we created a digital dashboard where you can see what some of our priority bills are, where they're at in the legislative process of becoming law, and what actions you can take to help support or oppose them.

Go to riaclu.org/2025Dashboard

ACLU of RI Position	Bill Number	Issue Area(s)	Summary	Status
OPPOSE	H5071, H5262	First Amendment	Broadly worded bills would make it a felony to threaten government caseworkers (5071) or school employees (5262) with physical harm.	Held for Further Study
SUPPORT	H5171	Privacy	Would remove a sunset clause for the creation and maintenance of	Held for Further

Check out our Advocacy 101 materials, go to: riaclu.org/advocacy101



Since January, we've trained hundreds of Rhode Islanders like you to advocate at the State House, covering topics such as:

- How to communicate with your legislators
- How to testify in person or submit testimony
- How to find and read bills
- How to use the state's legislative website

Find all this information on our website!



Photos from our March 8 Legislative Advocacy Training in Jamestown. Photos by James Hazelwood.

PROTECTING THE FIRST AMENDMENT

STATEWIDE We submitted testimony to the RI Department of Revenue urging the Department to reject proposed regulations that attempt to narrow the availability of a statutory sales tax exemption for the works of local artists. The implementation of this sales tax exemption has been an ongoing point of contention – and ACLU litigation – over First Amendment concerns, as the regulations are vague and single out authors for a series of arbitrary limitations.



GLOCESTER After the Superintendent of the Gloucester School District told the elementary school's librarians to allow students to check out only "age appropriate" books, we sent a letter calling upon her to rescind this censorial directive, noting its adverse effect upon avid readers and the difficult position in which it placed the librarians. We are now working with the librarians' union in an effort to resolve this dispute, which offers a perfect argument for passage of the Freedom to Read Act by the General Assembly this year.

UNCONSTITUTIONAL SIGN ORDINANCES REPEALED

SOUTH KINGSTOWN and BURRELLVILLE After receiving threat of an ACLU lawsuit, the South Kingstown Town Council finally repealed a clearly unconstitutional sign ordinance that the town had been warned about two years earlier. The ordinance prohibited residents from posting political signs more than 60 days before an election or 120 days total in a year. At the other end of the state, ACLU intervention also prompted the Burrillville Town Council to rescind in March a similar unconstitutional ordinance it had that carried a \$500 per day penalty for violations.

DEFENDING FREE SPEECH ON CAMPUS

The ACLU is looking into the possibility of representing a student group at **Brown University** that has been enduring a four-month-and-counting "interim" suspension. We sent a letter to Brown University President Christina Paxson and other members of the University administration, condemning the school's long-lasting interim suspension of the campus chapter of Students for Justice in Palestine (SJP). The student group received notice that it was being suspended as an "interim measure" following a protest held in mid-October 2024. At the protest, some members of the group purportedly banged on and blocked a vehicle and screamed profanities at members of the University's Corporation board after a meeting at which they voted against divesting from companies with ties to the Israeli military.

The interim suspension notice, issued pending a formal hearing before a student conduct board, ordered "the cessation of all meetings, social events, educational events, and physical and social media postings," prohibits the group from attending or supporting other groups' activities, and even bars use of the SJP name itself. This is an entire erasure of the group from campus without any procedural fairness. The administration provided the ACLU a tepid response to the letter, which has promoted an examination of possible legal grounds for challenging the lengthy suspension.

Meanwhile, the ACLU scored an important First Amendment success at the **University of Rhode Island**. Earlier this year, we submitted testimony to URI's Board of Trustees, which was considering amendments to their property regulations that would have undermined the University's commitment to protecting academic freedom and the First Amendment rights of students. The proposed rules significantly limited leafleting, posting signs, and protesting on campus. After receiving our testimony, the University incorporated essentially all of our recommendations into the revised regulations.



EVENTS & COMMUNITY

Donate on 401Gives Day – April 1, 2025!

This April 1, I'm asking you to support the work of the ACLU Foundation of Rhode Island – the part of our organization that fights in the courts for your rights, like the case described on the front page, defending free speech in the arts. Our Foundation also enables us to create and widely distribute educational materials, like our updated pamphlets (also highlighted on the first page!) explaining how to interact with police and ICE, offered at no cost to the community.

All of this work is thanks to your support. **Our goal is \$7,500 from 75 donors.** Your donations through 401 Gives can be amplified throughout the day – donating at 6am, 12pm, 4:01pm may double your gift. Sharing the link to our 401Gives page with your friends and family can help us reach new donors. All donations are tax-deductible.

Thank you for supporting civil liberties; it takes all of us to protect our fundamental rights.

–Monica Smith, Development Coordinator



Postcards & Ice Cream Event: Details to be Announced

Keep an eye out for an invitation to our upcoming April event! You'll get a quick explanation of a few of our priority bills in this state legislative session, and then time to write postcards to your legislators. Ice cream (or other dessert) will be provided.

This will be free and open to the public. Once you get your postcard or email invitation, feel free to share with friends who want to get more involved in advocating for civil liberties. This is also a great way to learn who your legislators are, if you don't already know, and how to write to them.



Participants at our 2023 Postcards and Ice Cream event wrote over 180 postcards to Rhode Island legislators!

Having agency – choosing to invest in your community, taking actions at the local level, advocating in any way for a more fair and just future – can make a difference.

ACTIONS you can take:

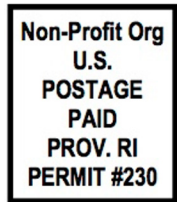
- Call your legislators at the state and federal levels. Show them you are paying attention.
- Choose one public body (e.g. town council meeting) to attend or tune into virtually and to monitor.
- Submit written testimony (or testify in person!) on bills that are being heard at the Statehouse.

RESOURCES you can access:

- Watch our Advocacy 101 event recording and website materials at riaclu.org/advocacy101.
- Our digital Legislative Dashboard has an ongoing list of priority bills, the bill numbers, and actions you can take. (More details on p. 5!) Go to riaclu.org/2025LegislativeSession.



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



RETURN SERVICE REQUESTED

We filed a lawsuit against the Trump Administration to protect free speech in the arts.

Your donation will keep us active in the courts and help distribute “know your rights” materials across our communities.

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

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

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



IN THIS ISSUE:

Go to p. 7 for ideas about ways you can take action, from resources to 401Gives!