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January 5, 2023

Mayor Frank Picozzi
City Hall
3275 Post Road
Warwick, RI 02886

Dear Mayor Picozzi:

Our office was recently contacted by Warwick resident Robert Cushman, who has raised concerns with us about the City's policy governing access to the Sawtooth Annex Community Room. Because we believe he has raised a valid concern, I am writing to ask that the City take steps to revise its policy to comport with basic constitutional requirements.

Specifically, the community room policy – which makes the space available to organizations and groups for “cultural, informational, educational, and civic purposes” – establishes a number of specific time, place and manner restrictions on use of the facility. However, the policy goes on to create a catch-all exception:

“The office of the Mayor reserves the right to determine use of the rooms, to assess fees for use of the rooms, and to cancel or reschedule all arrangements, at its discretion, with or without cause or reason, and without liability.” See <https://www.warwickri.gov/mayors-office/files/community-room-policy>

Giving a governmental entity this type of open-ended, completely unbridled discretion to determine whether a group will be able to make use of the room for meetings, and the cost that can be imposed for use of the space, is a violation of long-standing and fundamental First Amendment principles that have been established for decades. The City simply cannot give itself the authority to control a public forum in this arbitrary manner without infringing on basic free speech rights.

While Mr. Cushman is not aware of this policy exception being invoked to this point to deny or burden any organization's use of the space, he is right to be concerned about its presence and potential implementation in the future in ways that infringe on First Amendment freedoms.

In order to avert any such conflict, we ask you to delete this sentence from the policy at the earliest possible opportunity. I can assure you that denying a group access to this facility “without cause or reason” will, notwithstanding the policy's statement to the contrary, indeed incur liability on the City.

Thank you in advance for your prompt attention to this matter, and I look forward to hearing back from you about it.

Sincerely,

Steven Brown
Executive Director

cc: Robert Cushman



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Stephanie Carter, Chair
Board of Trustees
Warwick Public Library
600 Sandy Lane
Warwick, RI 02889

Dear Ms. Carter:

Today we sent the enclosed letter to Mayor Picozzi, raising First Amendment concerns about provisions in the City's policy governing the use of the Sawtooth Annex Community Room by private organizations for meetings. Because the Warwick Public Library's "meeting room policy" has the identical language, I am writing to similarly ask that your Board take appropriate action to remove this problematic language at the earliest opportunity.

By allowing the Library Board of Trustees to deny groups access to library meeting rooms at its complete discretion and "without cause or reason," the current policy is a clear violation of basic First Amendment freedoms and, we believe, contrary to the intellectual freedom principles of the American Library Association. We trust you agree and will take prompt action to address this issue.

Thank you in advance for your prompt attention to this, and I look forward to hearing back from you about it.

Sincerely,

A handwritten signature in black ink that reads "Steven Brown". The signature is written in a cursive style.

Steven Brown
Executive Director

Enclosure