

December 7, 2023

Bob McCann, Moderator  
Weekapaug Fire District  
4 Wawaloam Drive  
Weekapaug, RI 02891

VIA EMAIL  
[weekapaugfiredistrict@gmail.com](mailto:weekapaugfiredistrict@gmail.com)

Dear Mr. McCann:

I write to you as Moderator of the Weekapaug Fire District and request that you share this letter with all members of the Fire District governing body.

The ACLU of RI has received complaints about letters that have been sent by the Fire District to certain individuals regarding a pending matter before the Coastal Resources Management Council (CRMC) addressing a right-of-way dispute over Spring Avenue access to the shore. Because we are deeply concerned that these letters have the effect, if not the intent, of chilling the exercise of free speech and freedom of association rights of people interested in shoreline access issues, I am writing to ask the District to withdraw these letters.

Specifically, we have learned that the Fire District, through its legal counsel, has notified several individuals that they are a “potential witness” in the Spring Avenue extension matter before the CRMC and that they may be “called to testify, by subpoena or otherwise, in this matter at any time.” A copy of one of the letters is attached. The individuals who have received these letters are identified as potential witnesses based specifically and solely on their donations to a GoFundMe fundraiser that has been established to help raise funds to cover legal costs to support the pending challenge before the CRMC.<sup>1</sup>

As you know, the Fire District is a government agency required to conform its actions to those delineated by the U.S. Constitution, including the First Amendment. It is hard to imagine a more quintessentially protected activity—protected as freedom of speech (expressing support for a position on a matter of public concern), freedom of association (joining with other like-minded individuals to advocate for a cause), and freedom to petition the government (support for a position pending before a government agency)—than the core action of donating in response to a request for support to advance one side of an ongoing public government proceeding.

It is equally hard to imagine how the act of financially contributing to this cause could transform the individual donor into a person properly subject to be called as a witness at the proceeding. It should be evident that a person’s donation of money to a cause that they have a strong interest in supporting, including one involving legal proceedings, provides absolutely no

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<sup>1</sup> The donations were made in support of a “Restore our Spring Avenue Right-of-Way” campaign initiated by Caroline Contrata, one of the petitioners adverse to the Fire District in the pending CRMC challenge.

basis to believe that the donor has any knowledge of evidentiary value about the case so as to warrant their deposition.

To the contrary, singling out these donations as a justification to threaten the contributors with compulsory process and interrogation under oath could easily be interpreted as an attempt to chill core First Amendment activity. It raises the specter of individuals wishing to make a donation being hesitant to do so for fear of running the risk of being sucked into the legal dispute itself and all that might entail, such as the need to take time off from work, face intimidating questioning, and even to hire their own legal counsel for fear of the consequences of being unrepresented while questioned. Indeed, from the information we have received and from our review of social media concerning this controversy, supporters of Restore our Spring Avenue Right-of-Way have interpreted the letter in precisely this way – as an intimidation tactic. No person should face these fears merely for donating to a cause they support.

We therefore ask you to direct your legal counsel to stop sending any such letters to other donors and to notify those individuals to whom a letter has already been sent that it is withdrawn. If the Fire District has another basis to seek testimony from individual donors (based on some other source of knowledge), it can certainly follow through appropriately, but it should immediately disavow this effort to chill public support for a position that it opposes based solely on participation in a GoFundMe campaign.

Thank you in advance for your prompt attention to this matter, 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 fluid and cursive, with the first name "Steven" and last name "Brown" clearly legible.

Steven Brown  
Executive Director

Enclosure

cc: Joseph Farside  
Jo-Ann and Richard Langseth

December 1, 2023

**Delivered By Mail**

Jo-Ann and Richard Langseth  
170 Budlong Farm Road  
Warwick, RI 02886-8362

**Re: Potential Witness in the Spring Avenue Extension Matter Before the CRMC**

Dear Jo-Ann and Richard:

We represent the Weekapaug Fire District. As you may be aware, the potential designation of the Spring Avenue Extension as a public right-of-way in Westerly, Rhode Island is pending before the Rhode Island Coastal Resources Management Council ("CRMC").

The Spring Avenue Extension CRMC matter is in the discovery phase, and individuals with relevant information have been and will be deposed in the near future. It has come to our attention that you are a donor to the Restore our Spring Avenue Right-of-Way cause through Ms. Caroline Contrata's fundraiser established on [gofundme.com](https://www.gofundme.com). Based on your donation to Ms. Contrata's fundraiser, you have been identified as a potential witness in the Spring Avenue Extension CRMC matter. We would like to interview you in the near term and, potentially, depose you. If you have any information that you would like to disclose to us voluntarily, that would assist with accelerating the discovery process.

Please be also advised that you may be called to testify, by subpoena or otherwise, in this matter at any time.

Thank you for your anticipated cooperation.

Sincerely,

/s/ Joseph A. Farside

Joseph A. Farside, Jr.