Modest General Assembly Session Marred By Gubernatorial Vetoes, Juvenile Justice Setback

The gavel finally banged down at 4:04 AM on Saturday morning, June 23rd, ending, for the time being, a very difficult General Assembly session obsessed with closing a $300 million budget deficit. The session isn’t quite over yet, though, as the legislature is expected to come back this summer to deal with some of the dozens of Gubernatorial vetoes that took place after the legislature recessed.

An otherwise modest session was further significantly marred by Governor Donald Carcieri’s veto in July of three positive civil liberties bills.

Those bills would have eliminated mandatory minimum sentences for certain drug offenses, allowed domestic partners to be designated the beneficiaries of pension benefits of state employees, and repealed an archaic “civil death” statute applicable to persons sentenced to life in prison. The ACLU is hopeful that the General Assembly will vote to override one or more of these measures. The Governor has vetoed 54 bills since January.

On the positive side, some good bills still managed to make their way into law. They include a provision that makes the state’s medical marijuana law permanent, an ACLU bill barring school districts from implementing “zero tolerance” disciplinary policies for alleged drug, alcohol or weapons violations, and another Affiliate initiative that strengthens the public’s right to participate in state rule-making proceedings.

Of course, ACLU lobbying also helped sidetrack many repressive proposals, including a package of more than two dozen anti-immigrant bills, legislation expanding the scope of the state’s prostitution laws, and a bill giving the police access to customer Internet and phone records without a warrant.

A review of these and some other bills of interest begins on Page 4.

How did civil liberties fare? Because of the focus on the budget, many substantive measures — including the ACLU’s comprehensive anti-racial profiling bill and election reform legislation — were left for another day. In fact, the ACLU’s only major, and extremely troubling, defeat involved an item that was included in the budget — approval of the Governor’s proposal to move all 17 year old children charged with criminal offenses out of the Family Court and the Training School and into adult court and the ACI.

Highlights:

ACLU Brief Challenges
Legality of Truancy Courts 2

Public Schools Urged to Reject Inappropriate Sex Ed Program 3

Central Falls Police Shooting Record Released 3

Legislative Wrap-Up 4-8

Settlement Reached in Crime Victims’ Compensation Lawsuit 9

Organizational Notes 10

Mark the Date on Your Calendar Now: ACLU Annual Dinner Thursday, November 1, 2007 Check the back page for details
ACLU Brief Challenges Legality of Truancy Courts

The Rhode Island ACLU used a recent RI Supreme Court appeal to raise fundamental questions about the legality of procedures used by so-called “truancy courts” that have sprung up across the state in recent years. In a brief filed in that appeal, the ACLU argued that essential due process safeguards are absent from the operation of these courts. Although the case was recently dismissed as moot, the Affiliate expects another one to be appealed to the court in the near future, where the issues will once again be joined.

The latest case involved a Westerly mother and her middle school daughter who had been stuck in Truancy Court for more than a year. Shortly after moving to the school district, the mother had asked school personnel to evaluate her child for special education eligibility and services. Instead of promptly complying with its special education obligations under federal law, however, the school district initiated truancy proceedings. Last October, the truancy court magistrate in the case went so far as to enter an order finding the child dependent and ordering her placed in DCYF custody, despite the fact that no dependency petition had ever been filed or served on either the child or the parent, and that DCYF had never recommended that the child be found dependent. That order was later dropped.

In a “friend of the court” brief supporting a review of the appeal, RI ACLU volunteer attorney Amy Tabor argued that the case raised important civil liberties issues involving a parent’s right to the care and management of his or her children without undue interference by the State; the right to a meaningful appeal process in the event of erroneous or wrongful court orders; and the obligations of officials to comply with federal requirements governing students with disabilities.

The ACLU’s brief noted that the truancy courts operate with neither stenographers nor any other verbatim recording of their proceedings, even though some magistrates have used the proceedings to order children to be placed in DCYF custody. In addition, there are no clear rules as to when a child’s truancy case should be closed, nor is there any clear procedure for a parent and child to follow to seek to have their case closed. This is a matter of significance, stated the brief, because “while the case is open, the child, and usually the parent as well, must attend truancy court sessions on a regular basis, sometimes as frequently as weekly. The parent may miss work or have difficulty caring for the child’s siblings due to the attendance requirements of truancy court. In some cases, truancy court is held during the school day, and the child is pulled from academic classes to attend court.”

RI ACLU volunteer attorney Tabor said: "The ACLU is very concerned about the increasing numbers of parents and children summonsed into the truancy court system. As this case suggests, schools seem to use the truancy courts as a way of avoiding their responsibilities to meet the needs of disabled children. Truancy court can be a particular hardship for low income working parents, who are already struggling to pay the rent, utilities, food bills and other daily living expenses for their families. Further, when school attendance is no longer an issue, the truancy courts begin to focus on matters such as whether the child is doing all his schoolwork, what his grades are, and whether he has been too fidgety or talkative in class. These are matters that should be addressed without the personal and financial costs to children, parents and the taxpayers, of ongoing court involvement."

Shortly after the brief was filed, the magistrate in the case dismissed the proceedings against the student, leaving these crucial legal issues to be fought another day.

Voting Rights Commission Monitored

Secretary of State A. Ralph Mollis recently created a “Voters First Advisory Commission” with the goal of improving the voting process in Rhode Island. The Affiliate, along with several other advocacy organizations, expressed concern over the newly formed commission after reading through the list of proposals – set solely by the secretary’s office – that the commission will be looking to help implement.

Perhaps the keystone to the commission’s agenda is a call for a voter ID. This is particularly troublesome given its potentially significant adverse impact on preserving the fundamental right to vote (see page 7), and in light of the wide-ranging opposition to the proposal from numerous organizations. Other troubling reforms being examined by the commission include restricting free speech by expanding the current 50 foot no-canvassing zone in front of polling locations, and implementing some form of certification requirement in order to register voters.

However, the commission’s proposals are not all problematic, as the Affiliate supports its initiatives of increasing voting booth privacy, implementing uniform training requirements for all poll workers, and creating what is known as “no excuse” absentee voting that would eliminate specific proof of need in order to vote by mail. The Affiliate, working alongside Ocean State Action, will continue monitoring the work of the commission and provide updates as they come.
Groups Call On Public Schools to Reject “Inappropriate” Sex Education Program

Arguing that it promotes dangerous medical inaccuracies about pregnancy prevention and sexually transmitted diseases and sends an inappropriate message to students from non-traditional households, the ACLU and a dozen other local organizations have urged public high school principals and superintendents in the state to reject a questionable federally-funded “abstinence-only until marriage” sex education program recently approved by the RI Department of Education.

In a letter to school officials, the groups emphasized that they “do not oppose teaching abstinence to high school students. However, students deserve information that is medically accurate, and not based on fear or shame or on stigmatizing teenagers who come from non-traditional households. They deserve information that will help them protect themselves from STDs, HIV and unintended pregnancy when they become sexually active.” The curriculum at issue, prepared by Heritage Rhode Island (HRI), “fails these basic goals,” the letter claimed.

Because HRI receives its funding through a federal “abstinence-only until marriage” initiative, it must adhere to stringently defined criteria required by that initiative. Among other things, HRI must teach that sexual activity outside of heterosexual marriage is wrong and harmful to people of any age. The program is also barred from teaching about contraceptive methods except to emphasize failure rates. However, the state Department of Education’s comprehensive health education standards require students to demonstrate the ability to engage in “responsible behaviors such as contraceptive [and] condom use,” and an understanding that “gays and lesbians can establish fulfilling committed relationships.”

Currently, no federal funds are dedicated to supporting sexuality education that both teaches abstinence and includes complete and medically accurate information about how to use contraceptives effectively, despite evidence that these programs can delay sexual activity and increase contraceptive use among teens. A Congressionally-commissioned report that recently examined abstinence-only programs like HRI found that teens who participated in such programs were just as likely to have sex as teens who did not participate.

Thus far, only a few schools have allowed the HRI curriculum into their classrooms. The ACLU will be monitoring school activities this September in that regard. In 2006, in response to an ACLU complaint, the Department of Education initially held that the program could not be used in public schools. But after HRI made a few cosmetic changes to the curriculum, the Department reversed itself.

The groups signing the ACLU letter were: AIDS Care Ocean State, AIDS Project Rhode Island, National Association of Social Workers/RI, PFLAG South/Central Rhode Island, Planned Parenthood of RI, the RI Academy of Family Physicians, the RI Chapter of the American Academy of Pediatrics, RI Coalition Against Domestic Violence, RI Medical Society, RI NOW, RI Teen Pregnancy Coalition, and Youth Pride.

ACLU Suit Leads to Release of Central Falls Police Shooting Record

Ruling on a lawsuit filed by the ACLU of Rhode Island, a Superior Court judge ordered the Central Falls Police Department to release documents concerning the fatal police shooting in May of city resident Selvin Garrido. Garrido was killed when police came to his apartment in response to a 911 call, and he allegedly came at the officers with a knife in his hand.

In a letter initially denying the ACLU access to the police report of the shooting, including the names of the officers involved, Central Falls police chief Joseph Moran III stated that its release “would interfere with Grand Jury proceedings, and would also interfere with an impartial adjudication, namely, the police officer(s) involved in the fatal shooting of Selvin Garrido.”

However, the lawsuit, filed in R.I. Superior Court by ACLU volunteer attorney Howard Merten, a partner with Partridge Snow & Hahn LLP, argued that the requested documents were clearly public records under the state’s Access to Public Records Act. The suit noted that the grand jury investigation was irrelevant because the open records law specifically provides that public records “shall continue to be so deemed whether or not subsequent … investigations are held pertaining to the matters contained in the record.”

Ruling from the bench a few days after the suit was filed, Superior Court Judge Gilbert Indeglia agreed with the ACLU. The judge held that the mere fact that the police report might be considered by a grand jury was an insufficient basis to withhold the record. He ordered release of the document.

In challenging the city’s secrecy, the ACLU had pointed out that the Central Falls Police Department routinely released incident reports and the names of private individuals involved in shooting or stabbing incidents. The lawsuit further noted that throughout Rhode Island, other cities and towns have promptly released the names of police officers involved in shooting incidents. RI ACLU attorney Merten applauded the court’s ruling, saying that “prompt and consistent public disclosure of records like these is the most effective means of ensuring confidence in the actions of public officials.”
A REVIEW OF THE 2007 GENERAL ASSEMBLY SESSION

As in past years, the Affiliate lobbied on more than 100 bills, so the summary that follows is far from complete, and does not include the many bills that died early in the session. Nonetheless, it should provide readers a good idea of the broad scope of the Affiliate’s legislative activities this session. Members wishing more information about any of the bills discussed here should feel free to contact the office.

Juvenile Justice

Only two significant bills opposed by the ACLU became law this session, but they both involved juvenile justice and targeted the state’s youth in an extremely punitive fashion.

Juveniles in Adult Court: The ACLU and children’s rights advocates were shocked when the House Finance Committee passed out a budget that retained a proposal from the Governor and DCYF to treat all 17 year olds as adults for criminal purposes. Based on a claim that transferring these juveniles out of Family Court and the Training School and into adult court and the “less expensive” ACI would save the state $3.6 million, the General Assembly ultimately approved this regressive measure despite an intensive lobbying effort launched by the Affiliate, R.I. Kids Count and other organizations. On the last day of the session, with active involvement of Senate Finance Committee chair Stephen Alves, the organizations persuaded the Senate to undo the change by unanimously passing a measure that would set a cap on the population of the Training School, and required use of diversionary programs and the implementation of a risk assessment instrument to keep out of the Training School juveniles who didn’t belong there in the first place. The Senate agreed that these changes would more than make up for the budget provision’s purported $3.6 million in savings, but the House refused to budge and took no action on the measure.

First Amendment Rights

The First Amendment emerged unscathed through this year’s legislative session.

Political Phone Calls: The House took no action on a constitutionally-suspect Senate bill that would have made it a crime to make a recorded political phone call to any person who had asked to be placed on a “do not call” list. The bill’s restrictions on political phone calls were greater than those in place in state law for commercial phone call solicitations, thus raising basic First Amendment concerns.

Sacramental Wine: Another constitutionally questionable bill that passed the House but died in the Senate would have created a special class of liquor license strictly for the sale of sacramental wine, and only “to any duly ordained priest, minister or rabbi or to any church or religious society.” The Affiliate raised concerns about the entanglement between church and state that such a license would cause.

The “Easter Bunny” Bill: Representative Richard Singleton made it his personal crusade to “save” the Easter Bunny this year after the Tiverton School Department’s superintendent decided to use the more culturally sensitive name of Peter Rabbit for an appearance by a large bunny at a public school craft fair. The legislator’s bill would have prohibited cities and towns from “altering the name or concept of any religious or secular holiday or secular figure or symbol associated with any such holiday.” The ACLU pointed out that, if passed, the legislation would bar municipal bodies from displaying Christmas trees since they are an “alteration” of a pagan winter solstice symbol! The Affiliate also testified that, among its many other flaws, the bill would place an enormous burden on municipalities, which would be required to research the earliest origins of holidays and their symbols before mentioning, depicting or celebrating them. The R.I. League of Cities and Towns joined the Affiliate in testifying against the bill. To its shame, the House approved this bill late on the final day of the session, but the Senate wisely took no action on it.

Drag Racing: In response to a tragic incident where a teenager was killed in a drag race, the General Assembly approved an Attorney General bill that sets steep criminal penalties for this practice. The Affiliate decried the measure—which will inevitably affect teenagers almost exclusively—for containing draconian penalties that are much more severe than the penalties on the books for more serious driving misconduct often committed by adults. To give just one example: mere street racing with a passenger in the motor vehicle—without any accident or other endangering behavior—will now carry a five year prison sentence. However, an adult who drives drunk with a child 13 years or younger in the car faces a maximum one year penalty under current law!
Racial Profiling

A major disappointment of the session was the failure of the House or Senate to take any action on comprehensive legislation, supported by a coalition of more than 40 organizations organized by the Affiliate, designed to address the problem of racial profiling. Introduced by Sen. Rhoda Perry and Rep. Joseph Almeida, the bill responded to a series of recent highly-publicized incidents in the state as well as statistical data documenting continued and significant racial disparities in police traffic stops and searches. Among other things, the bill would prevent police from demanding identification from innocent passengers and from searching minors in the absence of suspicion of criminal activity, require police to document the grounds for conducting searches, and reestablish traffic stop data collection procedures. The R.I. Police Chiefs Association and the R.I. State Police lobbied against the bill, which the Affiliate will be actively promoting in 2008.

Open Government

One of the ACLU’s successes this session was the passage of a bill amending the Administrative Procedures Act, an important statute that requires the opportunity for public input during the rulemaking proceedings of most state agencies. The Affiliate bill, sponsored by Rep. Donna Walsh and Sen. Daniel Connors, addresses “loopholes” in the law that some agencies have used to make it difficult for the public to provide meaningful input on proposed rules. Among the practices that the new law prohibits is that of agencies issuing proposed “revisions” of lengthy regulations without giving the public any indication of the actual changes that have been made.

Students’ Rights

“Zero Tolerance”: The General Assembly overwhelmingly approved an ACLU bill, sponsored by Sen. Daniel Issa and Rep. Anastasia Williams, to require schools to take a case-by-case approach in determining the appropriate discipline for students charged with drug, alcohol or weapons violations. The bill, which effectively wipes out so-called “zero tolerance” policies in effect in many school districts, was supported by the Department of Education, as well as by the state branch of the National Education Association which had opposed the bill in the past. Implementation of “zero tolerance” policies has required ACLU intervention in literally dozens of cases over the years, including the suspension of two first graders for bringing a toy ray gun to school, the suspension of a kindergartner for having a plastic butter knife in his lunch bag and, most recently, the attempted censorship of a high school yearbook photo because the student was wearing medieval attire and a prop broadsword.

Dating Violence: The legislature approved requiring public schools to educate students about, and respond to incidents of, “dating violence," but only after the bill was amended at the ACLU’s request. The amendments clarify that school discipline policies addressing such conduct will apply only to incidents occurring on school grounds or at school functions, not private disputes between students. The amendments, offered by Sen. Charles Levesque, represent the latest in a series of Affiliate activities designed to limit school efforts to expand their disciplinary reach to students’ off-campus conduct in a variety of contexts.

Technological Privacy

Internet Subpoenas: Basic privacy rights were protected for another year, thanks to ACLU lobbying that helped bottle up in committee a perennial State Police proposal to give law enforcement officials broad authority to secretly obtain, without a warrant or even a showing of “probable cause,” subscriber calling records and financial information from telephone and Internet service providers. The bill has passed the Senate in past years, only to die in the House. Revelations at the federal level regarding the National Security Agency telephone spying scandal made even the Senate wary of passing the legislation this year. Unfortunately, though, the bill is expected to return in 2008.

RFID Tags: The House took no action this year on a Senate-approved measure, sponsored by Sen. Frank Ciccone at the ACLU’s behest, to restrict the state and municipalities from using radio frequency identification (RFID) technology on students, employees or clients. The need for such a bill emerged after a school district in California began requiring students to wear RFID tags, allowing their identity and movement to be tracked electronically.

Manufacturers of the technology have been touting similar uses since then. RFID devices were developed to track cattle and commerce, and the privacy implications of their mandatory use on people remain unsettling. Last year, Sen. Ciccone’s bill passed both Houses but was vetoed by the Governor.
Medical Privacy

Medical Marijuana: Overriding a Gubernatorial veto, Rhode Island took the positive step of making permanent a law passed last year allowing patients with specific serious and terminal illnesses to possess small amounts of marijuana for medical purposes, if authorized by a physician. Last year’s law had a June 2007 sunset clause, which has now been eliminated. The legislation was sponsored by Rep. Thomas Slater and Sen. Rhoda Perry.

Organ Donations: A revised Uniform Anatomical Gift Act has become law through the collaboration of the ACLU, the RI Department of Health and the New England Organ Bank. The Affiliate had raised a number of concerns about the original bill, which contained an unduly broad list of persons who could authorize organ donations on behalf of a decedent, allowed donor procurement organizations access to a wide range of non-medical information about potential donors, and authorized organ donation considerations to override a patient’s explicit living will instructions. The groups successfully worked together to amend the bill and address the Affiliate’s concerns.

Prenatal HIV Testing: After a long and arduous process, beginning even before the bill’s introduction, a compromise bill addressing procedures for HIV testing of pregnant women was passed into law. The original bill, vehemently opposed by the ACLU, eliminated any pre-test HIV counseling for pregnant women while simultaneously weakening informed consent requirements for the testing. In the end, the Affiliate was successful in getting counseling requirements restored, mandating documentation of a patient’s consent for the testing to be included in the medical record, and barring discrimination by doctors against women who opt out of testing.

Sexual Privacy

Prostitution and Human Trafficking: For the third year in a row, the City of Providence was unsuccessful in its efforts to expand the penalties for prostitution. The city’s push continued even though a federal probe last year confirmed that many of the women that had been arrested by the city in prostitution raids were the victims of human trafficking. The ACLU, the RI Coalition Against Domestic Violence, RI NOW and other groups strongly opposed the measure, arguing that it only further victimized trafficking victims. Following up on the federal information, the General Assembly this year more appropriately focused on the traffickers instead, and passed a measure supported by the Affiliate that sets criminal penalties for those who force women into, and profit from, this horrendous practice.

Abortion: Two anti-choice bills were heard by House committee this year, but no votes were taken on them. They included the perennial bill requiring women to wait at least 24 hours before obtaining an abortion and imposing on doctors onerous and biased “informed consent” requirements unlike those for any other medical procedure. That bill had passed the Senate in previous years. For now, though, the status quo on reproductive rights in Rhode Island remains.
**Voting Rights**

Election Law Reform: Opposition from the state Board of Elections and the creation by the Secretary of State of a commission to review voting issues kept a comprehensive election reform bill drafted by the ACLU from moving forward. In response to numerous problems documented in last November’s elections, the bill sought to overturn restrictive Board of Elections policies that substantially limit the counting of provisional ballots and restrict candidates’ rights to view disputed ballots during recounts of close elections. The bill, sponsored by Rep. Edith Ajello and Sen. Paul Moura, had bi-partisan support and was also actively backed by Ocean State Action and a coalition of other groups. It will be reintroduced next year.

Voter ID: On the more positive side, no action was taken on legislation requiring individuals to provide certain forms of identification in order to vote at the polling booth. A voter ID requirement can serve as a poll tax, disenfranchising eligible voters and posing a particular burden on poor, elderly, disabled and minority voters who may not have the requisite ID or the ability to obtain the necessary documents for one. The ACLU helped organize a coalition of civil rights and community groups — ranging from the AARP to the Commission for Human Rights — to oppose the bill. Ominously, however, Secretary of State Ralph Mollis has continued to tout voter ID as an appropriate measure to address the “perception” of voter fraud in the state, despite the complete lack of any actual evidence of such fraud in local elections.

**Workplace Rights**

Lie Detectors: For the second year in a row, the Senate took no action on an invasive House bill allowing police agencies to give lie detector tests to job applicants. Rhode Island has banned polygraph tests in employment for over 40 years, and the ACLU emphasized that their inaccuracy and intrusiveness are as troubling now as they were then.

DCYF Background Checks: In another victory for workplace privacy, the Senate also took no action on a House bill that would have given DCYF and licensed day care agencies direct access to job applicants’ entire criminal history. Presently, applicants apply for a criminal background check with the police, who compare any criminal record with a specified list of disqualifying offenses; only if such an offense is found is the employer notified that the person has a criminal record. The legislation eliminated this carefully-crafted process and would have given day care agencies carte blanche authority to deny employment to people with any criminal record, including applicants with only arrest records. The state Commission for Human Rights joined the ACLU in lobbying against the bill.

**Criminal Justice**

Some of the most difficult issues the ACLU usually faces in the General Assembly involve criminal justice. Legislators generally fear appearing to be “soft on crime,” and the result is oftentimes the passage of bills that do little to solve the crime problem but much to erode civil liberties. This year, however, two very positive bills were approved by the General Assembly, only to then be vetoed by the Governor on the flimsiest of grounds.

“Civil Death”: One court has called “civil death” laws “an outdated and inscrutable common law precept” and “a medieval fiction in a modern world,” but Rhode Island is one of only four states to still have such a law. As a result of an ill-conceived Gubernatorial veto, it will remain so for at least another year. The law, enacted in 1909, declares people sentenced to life imprisonment to be “dead” for virtually all legal purposes, including those relating to matrimony and holding property, even though most are eligible for parole after 20 years. Rep. Edith Ajello introduced a bill repealing the statute at the ACLU’s request, after hearing from the fiancée of an ACI inmate serving a life sentence whose effort to obtain a marriage license was rebuffed because of the law. In vetoing the measure, the governor called that objective “insufficient reason to pass legislation,” and that “the loss of property, and even the right to marry, is not unreasonable” for those serving life sentences. In light of the veto, the ACLU expects to file a legal challenge to the law’s constitutionality.

Drug Sentences: Despite broad support for the legislation from the General Assembly, the governor also vetoed a bill that would have eliminated the mandatory minimum sentences in place for certain drug offenses. Relying on objections that had been raised by the State Police, the governor’s veto message asserted that the mandatory sentences being repealed by the bill “exist more in theory than in reality.” Advocacy groups will be working to have the veto overridden.

Protection from Self-Incrimination: As has happened in previous years, the House took no action on a Senate bill that would have allowed for the forced administration of blood tests on persons in vehicular accidents involving death or serious injury. The ACLU has objected that the forced taking of blood from a person for the purpose of using it as evidence against him or her is a gross violation of the privilege against self-incrimination, and noted that proponents have been unable to point to any instance where lack of this power has hindered drunk driving convictions.
Informing the public about civil liberties issues represents an important aspect of the Affiliate’s work. As part of our public education program, we offer the brochures pictured here, “Your Rights to Workplace Privacy in Rhode Island” and “Your Rights and the Police.” If you would like to receive copies of either of these brochures, please call the office at 401-831-7171. The text of the brochures can also be found on our website at www.riaclu.org. Just click the “Publications” link.

**Rights of Immigrants**

It was a tough session for the immigrant community in Rhode Island, as more than two dozen anti-immigrant measures were introduced in the General Assembly. Their purported aim at “illegal” immigrants was belied by what the main sponsor of these bills called the keystone of the package – making English the state’s official language. The package also included blatantly unconstitutional bills, such as one that would have denied a public education to the children of immigrants not lawfully in the country. Fortunately, none of the bills became law, although two did make it through the House.

Representative Jon Brien’s bill requiring all non-governmental employers to verify work authorization of new hires through the use of Basic Pilot, a federal program reliant on largely inaccurate databases, was voted out of the House by a 46-18 vote in the late hours of the session’s final day. The other bill approved by the House was from Representative Richard Singleton’s package of anti-immigrant legislation, and would have prohibited the Department of Motor Vehicles from accepting any “out of date” documents for driver’s license applications. Although neither bill made it to the Senate floor, it is clear that the continued targeting of immigrants will be a major legislative battle in 2008.

Conversely, no pro-immigrant legislation made it out of committee this year. Despite support from many advocacy groups for both an in-state tuition bill – allowing immigrant children who are long-time residents of Rhode Island to qualify for in-state tuition at the state’s higher education institutions – and legislation that would have restored some immigrant children back to the RItie Care rolls, House Finance Committee took no action on either measure.

**Lesbian and Gay Rights**

A bill that would have allowed domestic partners of state employees access to their partners’ pensions, thus providing further security, stability and protections for same-sex families in Rhode Island, overwhelmingly passed the General Assembly, but was vetoed by the governor. The governor called the bill “an ill-thought-out expansion of employee benefits that will cost the State significant dollars over a long period of time.” The Affiliate has joined with Marriage Equality Rhode Island in urging a legislative override of the veto.
Settlement Reached with General Treasurer on Crime Victims’ Compensation Suit

In response to a lawsuit filed by the ACLU this past December, state General Treasurer Frank Caprio has promulgated revised victim compensation regulations in order to better protect the rights of violent crime victims. They repeal provisions adopted by former General Treasurer Paul Tavares that authorized the denial or reduction of compensation to victims based solely on their having an unrelated drug-related criminal history or DUI conviction in their past.

As a result of the changes, the ACLU is dismissing its lawsuit, filed by RI ACLU volunteer attorney Frederic Marzilli, that had challenged those provisions on behalf of the Drug and Alcohol Treatment Association of Rhode Island (DATA). DATA and other organizations – including the RI Medical Society, the RI Council of Community Mental Health Organizations and the RI Disability Law Center – had sharply criticized the regulations as “discriminatory and mean-spirited” by singling out offenses often committed by people who are suffering from diseases – alcoholism and drug addiction.

Drug and DUI convictions were the only non-violent offenses added to the rules by then-General Treasurer Tavares that triggered a possible denial of victim compensation. The ACLU's lawsuit sought a court order declaring the amended regulation null and void. Shortly after the new General Treasurer took office, negotiations ensued in an attempt to resolve the complaint, leading to this month’s formal repeal of the challenged regulations.

State law makes compensation available only to victims of very serious offenses, and has always barred compensation when the behavior of the victim directly or indirectly contributed to his or her injury or death.

DATA is a non-profit membership organization that represents public and private alcohol and drug treatment programs and, among its goals, works to reduce the stigma associated with addictions. DATA executive director Neil A. Corkery expressed gratitude that resolution of the lawsuit recognizes that addiction is a disease and that individuals affected by it have restorative potential.

Elsewhere In The Courts

Unfavorable Decision Rendered in Discrimination Case
Rejecting the legal arguments of the ACLU and other civil rights groups, a majority of the RI Supreme Court held this month that plaintiffs have only one year, not three, to sue for employment discrimination under the Rhode Island Civil Rights Act (RICRA), a major state law prohibiting discrimination in contractual settings. The case involved New England Gas Company employee Lynore Horn, whose lawsuit alleges that she was the victim of sex discrimination at the company for many years.

RICRA contains no explicit statute of limitations. A three-justice majority agreed with the defendants that a one-year timeframe should be inferred, similar to that for filing administrative claims with the RI Commission for Human Rights under the Fair Employment Practices Act. Justices Francis Flaherty and Paul Suttell dissented, concurring with the ACLU’s arguments that the default statute of limitations for filing suit in personal injury actions in Rhode Island – three years – should apply, and further noting that RICRA claims can encompass a variety of discrimination claims unrelated to employment, where a one-year statute of limitations would be quite incongruous.

Though the case raised a technical legal issue, the Supreme Court ruling seriously undermines the purpose of this important civil rights statute. A longer, rather than shorter, statute of limitations is critical in many discrimination cases. It often takes time for an employee or job applicant to realize that adverse action taken against him or her may have been based on an illegal, discriminatory factor such as race or sex. The ACLU’s brief was filed by volunteer attorney Lynette Labinger.

Further Fact-Finding Called for in Charitable Solicitation Case
The U.S. Court of Appeals for the First Circuit in Boston has said that further fact-finding is required in order to determine whether an East Greenwich ordinance that restricts charitable solicitation in the town is constitutional. The ordinance prohibits door-to-door charitable solicitation after 7 PM, and further establishes detailed licensing requirements for canvassers, both of which ACLU volunteer attorney Carolyn Mannis is challenging on First Amendment grounds on behalf of the community group ACORN. Earlier this year, U.S. District Judge Ernest Torres denied the Affiliate’s request for a preliminary injunction against the ordinance. As a result of the appellate court ruling, a more intensive trial in the case is expected to take place later this year as the ACLU seeks a permanent injunction against these restrictions.
**ACLU Volunteers Take Part in Annual PrideFest**

The affiliate’s table at this year’s PrideFest event in Kennedy Park in downtown Providence was a popular spot. This year’s volunteers commented on the increased traffic that the table saw, along with a greater knowledge of, and interest in, the work of the ACLU. Many of the educational handouts and membership brochures had to be replenished several times throughout the day.

The Affiliate would like to thank Erich Stephens, Christopher Corbett, Jake Goldstein and Program Coordinator Amy Vitale for their time spent making the ACLU’s presence at PrideFest a great success. A special thank you is due to our friends at Marriage Equality for their generosity in lending us a tent for the day.

**ORGANIZATIONAL NOTES**

**Bar Association Debate on “War on Terrorism”**

The civil liberties implications of the ongoing “war on terrorism” were the subject of a debate organized by the RI ACLU for the Rhode Island Bar Association’s Annual Meeting held in June. A large crowd of attorneys attended the debate, featuring ACLU volunteer attorney Jerry Elmer and U.S. Attorney for Rhode Island Robert Corrente. The event served as a sequel to a similar debate the Affiliate organized between the two speakers at the Bar Association’s 2006 annual meeting.

**Development Coordinator Job Opening**

The Affiliate will soon be advertising for the new staff position of Development Coordinator. This is a full-time position whose duties will include work on various fundraising and membership development activities, database management, assistance with some of the Affiliate’s communications activities, including website management, and related organizational and administrative tasks. Applicants must be committed to the mission of the ACLU. Additional information about the job will be posted later this month on the Affiliate’s web site, www.riaclu.org.

**Tune in this Summer to the ACLU’s Cable Access TV Show**

The Rhode Island ACLU’s cable access TV show, “Rights of a Free People,” airs on Statewide Interconnect Channel A (Channel 13 in most areas) Tuesdays at 10 PM and Fridays at 3:30 PM. In Providence, North Providence and Kent County, the show can also be seen Wednesdays at 9 PM on Channel 18. Watch for these upcoming programs:

**August:** Legislative Wrap-Up Part 1 with Representative Edith Ajello and Senators Charles Levesque and Teresa Paiva-Weed, hosted by Dan Weisman.

**September:** Legislative Wrap-Up Part 2 with Representative Edith Ajello and Senators Charles Levesque and Teresa Paiva-Weed, hosted by Dan Weisman.
THANK YOU FOR YOUR SUPPORT!

Your ad space is multi-functional:

- Promote a business or service
- Remember or honor someone
- Send a message of support for the ACLU
- Congratulate the honorees

It’s easy:

- **Send us your camera-ready art:** E-mail digital artwork (.gif, .jpg or .pdf files) to ads@riaclu.org, or mail hard copies to the address below;

- or -

- **Compose a message and have us design your ad for you** (feel free to use the back of this form.)

**Please submit your ad by August 15, 2007**

Please send this form along with your check made payable to RI ACLU (or provide a credit card number below—Mastercard or Visa only, please) to:

128 Dorrance Street, Suite 220
Providence, RI 02903

Questions? Call the ACLU office at 831-7171.

The size of a full page ad is 6” wide by 7½” high. The grid represents the different size options:

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2007 Annual Dinner to be Held Thursday, November 1st;
Volunteer Attorneys Amy R. Tabor and Thomas W. Lyons to be Honored

The Rhode Island ACLU’s 2007 Annual Dinner will take place **Thursday evening, November 1st at the Providence Biltmore.** This year, it will be our honor to present the Civil Libertarian of the Year award to two longtime Affiliate volunteer attorneys, **Amy R. Tabor and Thomas W. Lyons**, each of whom has actively supported the ACLU’s legal program for many years and handled many important civil liberties cases for the Affiliate.

Our featured speaker will be **Robert Meeropol**, son of Ethel and Julius Rosenberg, and executive director of the Rosenberg Fund for Children, which has assisted hundreds of children whose parents have been attacked for their social activism. Using his parents’ case as an example, he will be discussing “McCarthy-Era Lessons for Bush’s America” at the dinner.

We invite all of our members and friends to join us as we celebrate another successful year of defending civil liberties. **Keep an eye out for your invitation in the fall, or call the office for more information. Mark the date on your calendar now!**

**Place an ad in the 2007 Annual Dinner Program Book!**

Purchasing an ad in the program book is a great way to advertise your business, congratulate the honoree, or just show your support for the ACLU’s work. On the back of this page you will find a form with instructions for submitting your ad; if you have any questions, call the ACLU office at 831-7171. We’ll be happy to help in any way.