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June 4, 2020

The Hon. Jorge Elorza
Mayor
City Hall
Providence, RI 02903

VIA EMAIL

Dear Mayor Elorza:

Based on developments yesterday, I write to urge you to rescind today the State of Emergency Declaration you issued on Tuesday. Your decision to declare a state of emergency was, of course, a momentous one. Issuing a curfew order to implement such a declaration was momentous as well, as it is an extreme intrusion on the fundamental rights of a community which should be imposed only in the most urgent of circumstances.

On Tuesday, in response to a night of vandalism in the city, you invoked those emergency powers to issue such an order and to keep people off the streets between 9 PM and 6 AM. You did so based on purported intelligence information that additional concerted acts of vandalism might occur. Your counterparts in Cranston and Warwick also issued curfew orders based on similar intelligence information, but their orders were in effect for only one night. Your order, however, leaves people locked in their homes at night for an entire week, and does so after the City's residents have just finished enduring two months of sheltering in place.

As you know, the ACLU was critical of that decision. However, we are even more deeply troubled by it after learning last night that, despite your order's claim that this draconian curfew was necessary to protect the city's residents from "severe endangerment and harm to their health, safety and property," the danger apparently is not severe enough to interfere with the right of residents and non-residents alike to venture out and enjoy a night of coq au vin with their friends at any of Providence's admittedly fine dining establishments.

Instead, we learned that the City's license administrator sent out an email advising dining establishments (and other licensees) that they were free to remain open after 9 PM, as the curfew did not "impact [their] hours of operation." It is impossible to reconcile this decision with either the premise of your emergency order or the terms of the order itself limiting the people who can be out at night. It certainly belies any notion that the curfew is necessary to protect the public from "severe endangerment." Indeed, the idea that having a night on the town is consistent with the findings of a state of emergency defies belief.

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Most disconcerting, however, is the discriminatory underpinnings of this informal addendum to your State of Emergency Declaration. We don't begrudge local restaurants wishing to stay open after suffering through a two-month shutdown. But it is deeply offensive to consider that those less financially fortunate residents of the city who do not have the wherewithal to enjoy the City's food scene are barred from walking a few blocks to visit their relatives or friends and knock down a beer late at night. And while we realize that police are expected to enforce the curfew with a light hand, we find it hard to believe that teenagers hanging around at the local McDonald's will be treated with the same hands-off attitude that is reflected in the License Department's email.

In sum, yesterday's License Department notification makes abundantly clear that the so-called weeklong emergency described in your June 2 Declaration is no emergency at all. We call on you to immediately repeal this extreme infringement on residents' rights and not provide a special exception for those who have the means and the money to enjoy the city's nightlife.

Sincerely,

Steven Brown
Executive Director

cc: Chief Hugh Clements, Jr.
Commissioner Steven Paré
Providence City Council