

ACLU of RI and GENDER EQUALITY at WORK: TWO RECENT EXAMPLES

VICTORY IN DISCRIMINATION SUIT AGAINST NEWPORT GRAND: SUCCESSFUL SETTLEMENT REACHED

Paula Borrelli was more than dismayed when she accidentally learned that, for a decade, she had been paid significantly less than a younger, male employee performing the same duties at the Newport Grand Casino.

Last year, ACLU of RI cooperating attorney Lynette Labinger filed a discrimination suit on her behalf, arguing that the Casino's actions violated federal and state laws banning workplace discrimination, including wage discrimination, on the basis of sex and age. In October, we successfully settled the suit. Without admitting liability, the defendants agreed to pay Ms. Borrelli damages and attorneys' fees.



Plaintiff Paula Borrelli

As we head into the 2020 RI legislative session, the ACLU will be supporting passage of an equal pay bill that would strengthen the state's law against wage discrimination. The bill has passed the Senate but died in the House the past two years. **Ms. Borrelli's case demonstrates that the problem of unequal pay in the workplace is, unfortunately, alive and well.**

SUCCESSFUL SETTLEMENT IN DISCRIMINATION LAWSUITS AGAINST HARMONY FIRE DISTRICT



Plaintiff Kim Perreault

In 2016, Kimberly Perreault and Linda Ferragamo, two female volunteer EMT/firefighters at the Harmony Fire District, spoke up about being unfairly treated because of their gender. Then they were fired. We filed suit on each of their behalves, and last month we reached successful settlements.

The lawsuits were filed in federal court by ACLU of RI cooperating attorney Sonja Deyoe. Perreault had served as an EMT/firefighter for the Fire District for 12 years before being terminated for purportedly being "unhappy" with the fire department, just a few months after she had complained about sex-discriminatory treatment.

Ferragamo, who had also worked at the department for over a decade, was fired shortly after supporting Perreault's complaints and objecting to her termination.

In settling the case this past month, the Fire District acknowledged that both women were qualified for the positions and agreed to pay a monetary settlement.

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FROM THE DESK OF THE EXECUTIVE DIRECTOR

This year marked our 60th Anniversary fighting for the rights of all in the Ocean State. Thank you to everyone who joined us at our 60th Anniversary Gala in October, where we honored our robust history and the many people responsible for our strong presence in the state over these many decades.

With the end of the year approaching, I hope you'll consider making a **special tax-deductible donation** in honor of both this special anniversary and our never-ending work in support of civil liberties. The back page of this newsletter outlines how you can do that.

Statistics don't tell the whole story, but it's worth noting that we lobbied on more than 300 bills this year and were active in over 50 lawsuits, most of which are summarized in the special case docket insert in this issue, which I encourage you to peruse.

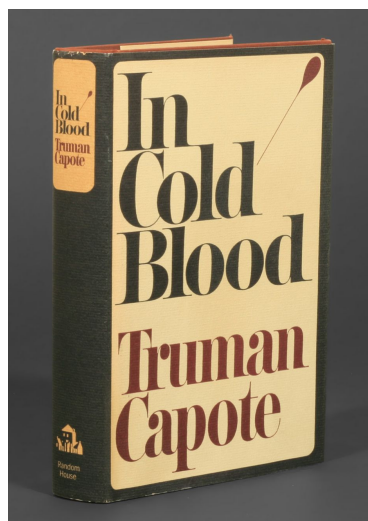
I hope we will continue to earn your support as we enter our 61st year of fighting for your rights. Thanks for reading.

--Steven Brown

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DIVISION OF TAXATION NO LONGER DENYING SALES TAX EXEMPTION FOR NON-FICTION



Taxable or non-taxable?

Non-fiction is not creative and original. That was the crux of the RI Division of Taxation's denial of a special sales tax exemption to non-fiction writers, prompting an ACLU of RI lawsuit earlier this year. The lawsuit was on behalf of the Association of Rhode Island Authors and several writers whose non-fiction works were denied a tax exemption routinely given to authors of fiction. Enacted in 2013, the law at issue exempts from sales tax "original and creative works" sold by writers, composers, and artists residing in RI. At some point, state officials decided that non-fiction books were not "original and creative works," and were therefore ineligible.

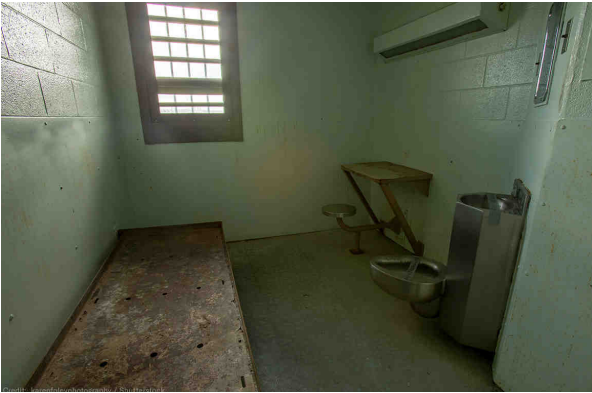
The state quickly changed its tune after the ACLU sued. Several authors submitted exemption requests for their non-fiction works, and for the first time, the requests were granted, prompting dismissal of the lawsuit.

BARRINGTON SUES STUDENT FOR CHALLENGING UNLAWFUL SCHOOL SUSPENSION; ACLU INTERVENES

The ACLU is representing a Barrington middle school student who successfully challenged his out-of-school suspension and, as a result, has now been sued in Superior Court by the school committee. Earlier this year, the RI Department of Education (RIDE) determined that the school district had improperly issued the suspension based on a school lunchroom conversation the student participated in that school officials said was "threatening." The student was twice interviewed by police and, although the threat was deemed unfounded, he and several classmates were issued a three-day out-of-school suspension. After RIDE overturned the suspension, finding no evidence that the conversation was disruptive or threatening – a statutory requirement for issuing out-of-school suspensions – Barrington then unsuccessfully appealed that decision to the Council on Elementary and Secondary Education (CESE).



Instead of backing down upon two decisions in favor of the student, Barrington filed a lawsuit asking a court to reverse the RIDE ruling and assess legal fees against RIDE and the student. Agreeing to represent the student, the ACLU called the suit "outrageous and shameful." The student is being defended by cooperating attorney Aubrey Lombardo.



A solitary cell.

SUIT CHARGES DEPT. OF CORRECTIONS WITH “INHUMANE” RIGHTS VIOLATIONS AGAINST PRISONERS WITH MENTAL ILLNESS

The ACLU and Disability Rights Rhode Island (DRRI) have filed a major federal class action lawsuit against the R.I. Department of Corrections (RIDOC) alleging multiple constitutional rights violations of prisoners with serious and persistent mental illness (SPMI). The complaint alleges cruel and unusual punishment, as well as violations of federal laws which bar discrimination against persons with disabilities. The lawsuit caps years of investigation by DRRI into **RIDOC’s harmful and inhumane practice of subjecting**

prisoners with mental illness to solitary confinement for 22-24 hours a day, sometimes for years.

The lawsuit seeks a judicial finding that the defendants have violated the inmates’ constitutional and statutory rights, and a permanent injunction against RIDOC placing prisoners with SPMI in solitary confinement. The suit also seeks comprehensive remedies for the conditions faced by inmates with SPMI, including the appointment of independent experts to oversee improvements in their housing and to assist in the design and implementation of alternatives to solitary confinement.

IMMIGRATION LEGAL BRIEFS



ACLU SUPPORTS CHALLENGE TO EXTRADITION OF MAN LIKELY TO BE TORTURED IF DEPORTED

The ACLU has filed a “friend of the court” brief in the U.S. Court of Appeals in Boston in support of a lower court ruling barring the extradition to the Dominican Republic of a man who an immigration appeals board concluded would likely be tortured if he was returned there. In September, a federal judge ordered Cristian Aguasvivas’s release from the Wyatt Detention Center, ruling unconstitutional the State Department’s attempts to ignore his claims for asylum and to deport him in spite of the federal appeal board’s findings. The court noted that the U.S. is a signatory to an international human rights treaty that prohibits the return of any individual to a country where they will face torture.

ACLU BRIEF OPPOSES DOJ POLICY MANDATING MUNICIPAL COOPERATION WITH ICE

The ACLU and the National Immigrant Justice Center have filed a “friend of the court” brief in support of a challenge by the cities of Providence and Central Falls to a U.S. Department of Justice (DOJ) policy which conditions the receipt of federal law enforcement funds on municipal collaboration with immigration officials. In June, U.S. District Court Judge John McConnell, Jr. ruled that the DOJ had no legal authority to attach these strings to the law enforcement grant program. Providence and Central Falls officials argue that the policy undermines their cities’ efforts to promote community policing and trust between residents and local law enforcement. In filing the brief, the ACLU commended the cities for their stance.



2019: SOME HIGHLIGHTS

All of our work is done with at least two goals in mind: defending and upholding the Bill of Rights and **making a difference in the everyday lives of Rhode Islanders**. Here are just a few highlights of our Affiliate's advocacy – in the courts, in the legislature, and at the local level across the state – in 2019. For a more complete view of our Affiliate's expansive litigation activities this year, take a look through the enclosed case docket.

FIRST AMENDMENT RIGHTS

We successfully objected to a “lobbying tax” in the Governor’s proposed budget that could have severely affected the finances of non-profit organizations that engage in lobbying.

ACLU lobbying prompted Central Falls to repeal a long-standing juvenile curfew ordinance.

We jumped in to represent a controversial blogger who, without notice, was slapped with a judicial “gag order” requiring him to remove from his blog any reference to a person suing him for defamation.

Our advocacy convinced the new Attorney General to withdraw the State’s name from a U.S. Supreme Court brief supporting the constitutionality of a city’s sponsorship of a 40-foot-tall Latin Cross.

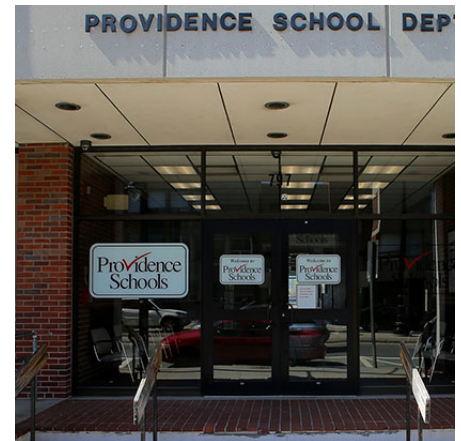
EQUAL PROTECTION OF THE LAWS

With RI Legal Services, we filed an administrative challenge to the inadequate educational services being provided by the Providence school district to English learning students.

As a result of a class-action complaint, the Providence School District agreed to provide compensatory services to students with disabilities who were unable to get to school during a citywide school bus strike.

We lobbied in support of a bill – approved by the General Assembly – providing state veterans’ benefits to individuals who received dishonorable discharges due to their sexual orientation or gender identity.

ACLU prodding prompted the Woonsocket School Committee to join virtually every other school district in adopting a strong policy protecting the rights of transgender students.



PRIVACY

Working as part of a huge coalition, we helped win passage of the Reproductive Privacy Act (RPA), codifying the protections of *Roe v. Wade* into state law.

With other New England ACLU Affiliates, we joined in a brief arguing that police need a warrant to obtain access to state drug prescription databases.

A successful ACLU lawsuit prompted the town councils in Smithfield and Lincoln to repeal medical marijuana ordinances severely restricting medicinal cultivation by patients and caregivers.

IMMIGRANT RIGHTS

The South Kingstown School Committee adopted an ACLU-drafted policy that protects immigrant students and their families by limiting school district collaboration with immigration officials.

In a similar vein, in December, Central Falls adopted a comprehensive ordinance drafted by the ACLU, strictly limiting police collaboration with ICE. At right is a post-vote photo of some of the City Council members and community advocates who worked to get the ordinance enacted.

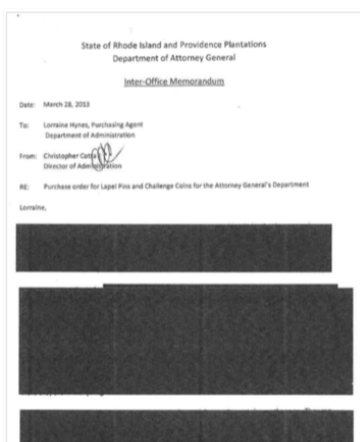


OPEN GOVERNMENT

The Attorney General, favorably responding to our legal action, released thousands of pages of unredacted documents relating to that office's expenditure of "Google settlement" funds. The photo on the left is one example of what the documents looked like when they were originally released.

An open records lawsuit led to the release of a U.S. Department of Justice memo documenting the blatant violation of the rights of English learning students in Providence.

We sued the Pawtucket Police Department, and successfully settled a complaint against the Woonsocket Police Department, over public access to reports of internal investigations of police misconduct.



DUE PROCESS OF LAW

We favorably resolved a lawsuit that obtained relief for certain Medicaid patients who, due to the state's troubled UHIP computer system, had been kicked off the program without due process.

We obtained a favorable settlement against Woonsocket after, for retaliatory reasons, it unlawfully withheld grant funds from Sojourner House, a social service agency that helps victims of domestic violence.

We helped organize successful opposition to state legislation that would have allowed for the emergency involuntary commitment of individuals with substance use disorders.

We obtained compensation on behalf of a North Smithfield resident in a challenge to the police department's refusal, for six years, to return lawfully-possessed weapons they had seized from him.



RIGHTS OF PRISONERS

An emergency ACLU lawsuit forced the Department of Corrections to fix a mechanical problem that had left an ACI facility without heat in the dead of winter.

We filed a legal challenge to an archaic state law declaring inmates serving life sentences to be "civilly dead" with respect to their civil rights.

NEWS BRIEFS

CHALLENGE TO REPRODUCTIVE PRIVACY ACT DISMISSED

R.I. Superior Court Judge Melissa Darrigan has dismissed a dubious lawsuit brought by anti-choice groups challenging the constitutionality of the Reproductive Privacy Act, the statute passed by the General Assembly this year codifying *Roe v. Wade* into state law. The ACLU had filed a brief urging the court to toss the lawsuit, calling the plaintiffs' arguments "tortured" and "frivolous." The lawyer spearheading the lawsuit indicated that an appeal would be filed, so the ACLU expects to file another brief in support of the RPA's constitutionality in the R.I. Supreme Court.

CENTRAL FALLS ADOPTS IMMIGRANT PROTECTION ORDINANCE

The City of Central Falls has unanimously adopted a comprehensive ordinance drafted by the ACLU of RI designed to protect immigrants in the community by limiting police collaboration with immigration law enforcement officials. The Immigrant Coalition, of which the ACLU is a member, rallied the community to support the ordinance, and the proposal ultimately won the endorsement of the City's police chief. Last year, the South Kingstown Town Council passed a similar ordinance. The ACLU and the Coalition plan to urge neighboring cities to pass the ordinance as well.

NARRAGANSET DROPS PLAN TO BAR PUBLIC FROM MAKING "PERSONAL" REMARKS AT COUNCIL MEETINGS

"When does a pointed criticism of a Council member become personal?" So asked a letter that the ACLU of RI sent to the Narraganset Town Council when it considered adopting a policy to bar people from making "personal" or "slandorous" remarks, or becoming "boisterous," during the public comment portion of Council meetings. The ACLU's letter called the proposal clearly unconstitutional, and after receiving the ACLU's objections, the Council tabled the proposal.

STUDENT CHAPTER UPDATES



University of Rhode Island ACLU Chapter

After their successful push last year to promote student voting by having classes cancelled on Election Day, the URI ACLU Chapter's focus is now on **education and turnout in anticipation of the 2020 election**. To this end, they have run booths at major promotional events on campus to drive up membership and register new voters. They are also actively seeking to revise **URI's outdated and constitutionally questionable wi-fi use policy** so that it comports with student privacy and free speech rights. Due to concerns about URI's complicity in exploitative labor practices, they have also made inquiries about **the University's use of prison labor**.



Brown University ACLU Chapter

The Brown ACLU has held ten discussion meetings this semester on a wide range of civil liberties topics and worked on various **outreach efforts on campus to increase membership**. In addition, their **immigrants' rights campaign has worked to compile a guide** on both admissions processes and campus life for undocumented and/or DACA students. The education campaign plans to produce flyers regarding anti-discrimination, first amendment, and due process rights. Finally, **a reproductive rights campaign is working to increase transparency around Title IX operations on campus and to inform students of the processes and options available through the office**.

Thank you to the Bryant University Law Society for organizing a fundraiser on our behalf!

60th ANNIVERSARY EVENTS

BANNED BOOKS LIVE – September 24 – The Providence Athenaeum

Thank you to our readers and to everyone who joined us for this celebration of our right to read in honor of Banned Books Week 2019!



Charlotte Abotsi at AS220.

SPOKEN WORD: REFLECTIONS ON THE 1ST AMENDMENT – September 28 – AS220

In honor of Constitution Day 2019, local poets and artists reflected aloud on the First Amendment at AS220. Thank you to everyone who participated!



Banned Books Readers (l-r): Warner, Burriesci, Channer, Stephenson, Cane.

NAUGHTY & NICE – November 16 – Courthouse Center for the Arts

A night of comedy, music and drag to benefit the ACLU of RI! Thank you to Haley Star, LaDiva Jonz and Jennifer Minuto and the Better Angels for the naughty and nice entertainment, and to Lise Iwon for her hard work organizing this great event!



Haley & LaDiva

THE GALA



THE ACLU of RI 60th ANNIVERSARY GALA – October 18 – The Graduate Providence

Our 60th Anniversary Gala was a huge success! Our keynote speaker, Luis Mancheno, stole the show with his remarkable story of resilience. The “Raymond J. Pettine Civil Libertarian of the Year” award was presented to the entire corps of the ACLU of RI’s lay leadership from 1959-2019.

For a look at the 60th Anniversary Gala Program Book, visit www.riaclu.org/issues/issue/60-years.

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