



128 Dorrance Street, Suite 400
Providence, RI 02903
Phone: (401) 831-7171
Fax: (401) 831-7175
www.riaclu.org
info@riaclu.org

ACLU OF RI POSITION: SUPPORT

TESTIMONY IN SUPPORT OF 25-H 5223, THE RHODE ISLAND CIVIL RIGHTS ENFORCEMENT ACT February 11, 2025

The ACLU of Rhode Island strongly supports passage of this legislation, creating the Rhode Island Civil Rights Enforcement Act.

This bill would provide long-overdue enforcement mechanisms missing from the constitutional protections enshrined in our State Constitution “guaranteeing” the State’s citizens and residents critically important civil rights and liberties, including freedom of speech, freedom of assembly, due process, freedom from unreasonable search and seizure, equal protection of the laws and prohibiting government from discriminating on the basis of race, gender or disability.

Many of these guarantees were first included in the State Constitution in 1986 in recognition that it was not enough to count on the federal Constitution and federal enforcement to secure these fundamental rights for Rhode Islanders.

But in the years that have followed, these critical protections have been relegated to merely aspirational lofty goals, because our highest state court has declared that they do not provide any enforceable protection unless the General Assembly passes a law that specifically says so. In legal terms, these rights are not “self-executing.” *See, e.g., Doe v. Brown Univ.*, 253 A.3d 389 (R.I. 2021) (finding unenforceable without specific legislation any protections in Article 1, Section 2, “guaranteeing” equal protection of the laws); *Bandoni v. State*, 715 A.2d 580 (R.I. 1998) (same as to Art. 1, Section 23, victims of crimes); *Ricci v. Rhode Island*, No. 1:20-cv-00543-MSM-PAS, 2023 WL 4686025 (D.R.I. July 21, 2023) (same as to unreasonable search and seizure, Art. 1, Section 6).

The proposed legislation will ensure that these fundamental rights *are* enforceable against government overreach, bringing Rhode Island in line with the federal standard in securing, as a reality, the protections enshrined in our Constitution which, for now, exist only as an idea. The bill is modeled after the existing federal standard, 42 U.S.C. §1983, but also avoids the inequities of judge-made exceptions that have provided loopholes for holding government accountable for egregious violations in the past.

Passage at this time is even more critical. We are at another crossroads at the federal level with important constitutional and statutory rights long understood to be federally protected under attack. In order to give our state Constitution’s Declaration of Rights the meaning it deserves and was intended to have, the ACLU of RI urges passage of this legislation.

Submitted by: Lynette Labinger, Cooperating Attorney, ACLU of Rhode Island