

May 21, 2024

Kathleen Kelly (via email)  
General Counsel  
R.I. Supreme Court  
250 Benefit Street  
Providence, RI 02903

RE: 24-H 7758, Relating to Access to Public Records

Dear Ms. Kelly:

I write this letter on behalf of ACCESS/RI, a coalition of organizations that advocates for government transparency, and in particular for strengthening the state's open government laws, including the Access to Public Records Act.<sup>1</sup> The ACLU of RI recently brought to our attention the Judiciary's proposed bill, scheduled for a committee vote this week, that would make confidential the municipality where members of the judiciary reside. We urge you to support an amendment that would limit this confidentiality to the home *address* of judicial officers rather than their home *municipality*.

Let me begin by acknowledging the troubling atmosphere that has generated this legislation. We realize that threats against judicial officers have significantly increased in recent years, justifiably leading to passage of a measure in the U.S. Congress to keep confidential the home addresses of judges. But that law did not go so far as to keep secret their municipality of residence, and we urge that it not be extended to state law either. While we acknowledge that, over our coalition's objections, the General Assembly passed a similar measure for police officers a few years ago, that unwise action should not serve as a precedent to keep the municipal residences of more and more government officials and employees secret.

Unfortunately, the list of exemptions to APRA's promise of transparency continues to grow almost every year. We firmly believe that new exceptions should be added only for compelling reasons and when there are strong arguments for a necessity for secrecy. We do not believe they exist in this instance. First, we agree with the ACLU that there can be a public benefit to knowing a judicial officer's city or town of residence when, for example, they are presiding over a case involving their home municipality. Secrecy about this fact can lead to unwarranted speculation that serves neither the judiciary nor the public well.

More practically, though, creating an exemption in APRA for this specific piece of information offers a false sense of security. In a state as small as Rhode Island, the community where a judge resides is often well-known. Any meaningful attempt to shield judges from public knowledge of the city or town where they live would unwisely require a broad erasure of the background and history of judicial nominees.<sup>2</sup> Adding a superfluous exemption to APRA undermines the goal of that statute and – as has happened here – can only encourage the call for even more exemptions

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<sup>1</sup> Organizational members include the R.I. Press Association, the New England First Amendment Coalition, the East Bay Media Group, and the ACLU of Rhode Island.

<sup>2</sup> For example, the biographies on the Supreme Court of Rhode Island's website of its five Justices provide readily available information about the municipality where at least three of the Justices reside. <https://www.courts.ri.gov/Courts/SupremeCourt/PDF/AboutTheSupremeCourt.pdf>

to the law. I therefore urge you to consider limiting this bill to encompass only the home addresses of judges.

Your consideration of this request is deeply appreciated.

Respectfully,

Linda Lotridge Levin, President  
ACCESS/RI  
lindalevin@uri.edu

cc: House State Government and Elections Committee