



January 18, 2018

The Hon. Gina Raimondo
Governor
State House
Providence, RI 02903

BY MAIL AND EMAIL

RE: 17-S 765 and 17-S 401, THE “REVENGE PORN” BILLS

Dear Governor Raimondo:

Our organizations are writing about the so-called revenge porn bills that were introduced last year and that we expect will be reintroduced this session. As you know, in 2017 the Attorney General reintroduced his version of the legislation that you had vetoed in 2016 (S-401), and you submitted your own bill, S-765, which sought to address the serious constitutional defects in the AG’s bill.

You may recall that our groups did not oppose S-765, and that the RI Coalition Against Domestic Violence and Day One were just as supportive in passing your version of the legislation as in passing the Attorney General’s. However, in the closing days of the June session last year, a so-called “compromise” version of the bill – based on legislation that had been introduced in Massachusetts – was offered. Unfortunately, this “compromise” contained virtually all of the defects of the AG’s bill. We were therefore deeply disappointed when we learned that this version nonetheless had your support. Although the bill ended up not being voted on, we assume it will once again be offered as a “compromise.”

Since the Attorney General appears to be the only person opposed to the S-765 version that you drafted, we respectfully but strongly ask you to reintroduce and stand by that version of the bill, and not accept any compromises – like the one offered last June – that raise many of the same constitutional issues that prompted you to veto the Attorney General’s bill in 2016. As we pointed out last year, S-765 followed the lead of the vast majority of states having these laws by requiring an “intent to harm” standard in order to avoid constitutional concerns. Passage of either the Attorney General’s bill or the “compromise” legislation is likely to result in a court challenge that ends up leaving no protection for victims of this conduct.

We greatly appreciate your and others’ interest in addressing the issue of “revenge porn,” but now more than ever, it is critical to recognize the importance – and fragility – of our First Amendment freedoms and to not pass legislation that, however unintentionally, erodes this basic right.

In conclusion, our organizations were deeply grateful for your principled stand in 2016 in vetoing the Attorney General's bill and showing your strong support for the First Amendment. We hope you will continue that support by promoting S-765 this session and rejecting any alternatives, including legislation like that offered in Massachusetts. Our organizations remain available to assist you in that effort.

Thank you in advance for considering our views.

Sincerely,

Steven Brown
American Civil Liberties Union of RI
128 Dorrance Street, Suite 220
Providence, RI 02903
sbrown@riaclu.org

Linda Lotridge Levin
Rhode Island Press Association
lindalevin@uri.edu

Justin Silverman
New England First Amendment Coalition
111 Milk Street, Westborough, MA 01581
justin@nefac.org

David Horowitz
Media Coalition
19 Fulton Street, Suite 407
New York, NY 10038
horowitz@mediacoalition.org

cc: Adi Goldstein
Claire Richards