

NEWS RELEASE

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**FREE SPEECH AND MEDIA GROUPS APPLAUD GOVERNOR'S VETO OF
OVERBROAD "REVENGE PORN" BILL**

Below are brief statements from five media and free speech organizations, including the Rhode Island Press Association, expressing thanks to Governor Gina Raimondo for vetoing a so-called "revenge porn" bill that would have had a chilling effect on free speech rights.

The groups had requested the Governor to veto the legislation, stating that the bill was so broadly worded that it could make criminals of people involved in neither revenge nor porn, and would have a direct impact on the First Amendment rights of the media. The bill could have limited the distribution of a wide array of mainstream, constitutionally protected material, including items of legitimate news, commentary, and historical interest. For example, use of images of Holocaust victims or prisoners at Abu Ghraib or, to take a more recent example, some of the infamous Anthony Weiner photos, would have likely been prohibited under the terms of this legislation.

Linda Lotridge Levin, Rhode Island Press Association: "The Rhode Island Press Association applauds Governor Raimondo for her veto of this bill which would have had some serious implications for the news media in the state. The legislation, as written, would have meant the news media could face criminal penalties if they were unable to prove to a jury that photos they published were in the public interest. This would have a chilling effect in a society where a free press is essential to our democracy."

Chris Finan, Director of the American Booksellers for Free Expression: "Booksellers are very grateful to Governor Raimondo for recognizing that the bill passed by the legislature does not provide sufficient safeguards for the sale of books and other First Amendment-protected material. Without such safeguards, there would be a chilling effect, leaving booksellers uncertain about whether a book on the shelf is illegal and must be removed. Future legislation on this subject should require evidence of malicious intent in the distribution of these images."

David Horowitz, Executive Director of the Media Coalition: "We applaud the Governor's decision to veto this bill and protect the First Amendment rights of publishers, booksellers, librarians, photographers, and others First Amendment rights. The legislature can address malicious invasions of privacy without treading on free speech, with a law that is carefully tailored to address real harms. This legislation is not."

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Justin Silverman, Executive Director of the New England First Amendment Coalition: “We are pleased that Governor Raimondo vetoed this well-intended though unconstitutionally broad legislation. By doing so, she helped protect the First Amendment rights of Rhode Island residents and prevented a chilling effect on public interest journalism. We welcome the opportunity to work with legislators and privacy advocates to make sure any future legislation adequately addresses the harm of revenge porn while also preserving our First Amendment freedoms.”

Steven Brown, Executive Director of the ACLU of Rhode Island: “We commend the Governor for recognizing the serious First Amendment concerns raised by this legislation, and for the need to enact a more carefully-crafted law that will pass constitutional muster. We also wish to thank Rep. Edith Ajello for her efforts in trying to get the bill amended to meet First Amendment standards as it made its way through the General Assembly.”

While the bill does include an exemption for items that are “in the public interest,” the groups pointed out in requesting the Governor to veto the legislation that this does not offer news publishers any meaningful protection, as the final determination of whether the material constitutes a matter “in the public interest” would be left to a jury. Editors and producers would have no way of knowing in advance whether an image would be deemed to fall into this category or not, which would create a substantial and unconstitutional chilling effect on speech. Other states in New England that have enacted this type of legislation have passed much narrower versions to mitigate these constitutional concerns.

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About the Organizations: **The Rhode Island Press Association** is a nonprofit organization that promotes the interests of newspapers and other publications, and advances journalism standards. **The New England First Amendment Coalition** is a broad-based organization of people who believe in the power of transparency in a democratic society. Its members include lawyers, journalists, historians, librarians and academicians, as well as private citizens and organizations whose core beliefs include the principles of the First Amendment. **The Media Coalition** is an association that protects the First Amendment right to produce and distribute books, magazines, recordings, home video and video games; its members represent most of the booksellers, publishers, librarians, film, recording and video game producers, and home video and video game retailers in the United States. **American Booksellers for Free Expression** is a division of the American Booksellers Association, which represents the nation’s independent booksellers, including bookstores in Rhode Island. **The American Civil Liberties Union of Rhode Island** is a non-profit, non-partisan organization dedicated to upholding and protecting the rights and freedoms guaranteed by the United States Constitution and the Bill of Rights.