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June 16, 2020

Via First Class Mail and E-mail [REDACTED]

Rhode Island Commission for Human Rights
180 Westminster Street, 3rd Floor
Providence, RI 02903

Re: Charge of Mrs. Gail Blair

To whom it may concern,

Enclosed for filing is Mrs. Gail Blair's Charge of Discrimination (the "Charge"), together with Exhibits 1 and 2 to the Charge. Should you have any questions concerning the Charge, please contact me.

Sincerely,



William K. Wray Jr., Esq.
[REDACTED]

Enclosure

cc: Jeremy Dys, Esq. (via e-mail only)
Stephanie Taub, Esq. (via e-mail only)

Rhode Island Commission for Human Rights

Gail Blair,

Complainant

v.

The Memorial and Library Association,

William Lancellotta III,

Brigitte Hopkins, and

John Does #1-#4,

Respondents.

Charge of Discrimination

I. DETAILS OF CHARGE

Complainant's Name: Mrs. Gail Blair

Date of Birth: [REDACTED]

Address: Personal Address:

[REDACTED]
[REDACTED]

Please reach me c/o my attorneys,

William K. Wray Jr. ([REDACTED])
Adler Pollock & Sheehan P.C.
One Citizens Plaza, 8th Floor
Providence, RI 02903
[REDACTED]

Phone: Personal Phone Number:

[REDACTED]

Please reach me c/o my attorney,

William K. Wray Jr.
[REDACTED]

Places of Public Accommodation: Place of Public Accommodation #1:
Wilcox Park
44 Broad St.
Westerly, Rhode Island
401-596-2877

Place of Public Accommodation #2:
Westerly Library
44 Broad St.
Westerly, Rhode Island
401-596-2877

Persons charged with discrimination ("Respondents"): The Memorial and Library Association
(*address listed above*)

William Lancellotta III, Assistant
Director of The Memorial and Library
Association
[REDACTED] Westerly, RI 02891

The Memorial and Library Association
(*address listed above*)

William Lancellotta III, Assistant
Director of The Memorial and Library
Association
[REDACTED] Westerly, RI 02891

Brigitte Hopkins, Executive Director of
The Memorial and Library Association
*Personal address not known; please reach
her via the Memorial and Library
Association*

Brigitte Hopkins, Executive Director of
The Memorial and Library Association
*Personal address not known; please reach
her via the Memorial and Library
Association*

John Does #1-#4

John Does #1-#4

Dates of Discrimination:	<p>The discrimination at Wilcox Park is ongoing. Events relevant to the ongoing discrimination occurred on the following dates: June 24, 2019 July 9, 2019</p>	<p>The discrimination at Westerly Library is ongoing. Events relevant to the ongoing discrimination occurred on the following dates: June 24, 2019 July 9, 2019</p>
Matters Charged:	<p>Unlawful discrimination on the basis of disability in violation of state and federal law, including R.I. Gen. Laws § 42-87-1 <i>et seq.</i>, through, among other things, denial of access to the accommodations, advantages, facilities and privileges of a public place.</p> <p>Unlawful discrimination on the basis of religion in violation of state and federal law, including R.I. Gen. Laws § 11-24-1 <i>et seq.</i>, through, among other things, denial of access to the accommodations, advantages, facilities and privileges of a public place.</p> <p>Unlawful retaliation in violation of state and federal law</p>	<p>Unlawful discrimination on the basis of disability violation of state and federal law, including R.I. Gen. Laws § 42-87-1 <i>et seq.</i>, through, among other things, denial of access to the accommodations, advantages, facilities and privileges of a public place.</p> <p>Unlawful discrimination on the basis of religion violation of state and federal law, including R.I. Gen. Laws § 11-24-1 <i>et seq.</i>, through, among other things, denial of access to the accommodations, advantages, facilities and privileges of a public place.</p> <p>Unlawful retaliation in violation of state and federal law</p>

II. NARRATIVE

A. Background

My name is Gail Blair. I was born in 1954, and I have lived in Westerly, Rhode Island since about 1983. I am writing to seek your assistance in regaining access to a public park and the only free public library in Westerly. As I explain below, I was banned from both places by the Memorial and Library Association because of its unlawful discrimination against me on the basis of my disability and my religious beliefs.

For most of my paid career I worked as a Nursing Supervisor at a 405 bed facility and Nurse Clinician at Johns Hopkins. I had the privilege to treat and care for the elderly, quadriplegic children, and the mentally ill. As is often said of caring for the infirm, the work was challenging and rewarding in equal measure.

When I was 12, I was diagnosed with a rare genetic disorder called “retinitis pigmentosa,” or “RP.” RP causes the loss of photoreceptors in the eyes as well as deposits of retinal pigment. In short, it causes gradual vision loss. It diminishes peripheral vision so that one sees through a tunnel; a gradually narrowing tunnel. There is currently no way to treat RP or reverse the vision loss it causes. As I understand it, the principal treatment for RP is to provide counseling to the affected individual to prepare them for their loss of vision.

The gradual loss of my vision to RP, the certainty of further vision loss to come, and the uncertainty concerning how much longer I had to enjoy my vision, including such sights as the faces of my children and husband, was a source of great strain to myself and to my family. I was obliged to stop driving in 1988 and was forced to stop working as a nurse in around 1989. This cut off a source of economic support for my family as well as a deep source of personal fulfillment for myself. My ability to help out at home was also limited. I lost much of my independence and came to require additional help at home. By 1991, I could no longer see.

You might have heard that the loss of vision comes with some recompense. This was true for me, both in the ordinary sense that my remaining senses grew more acute, and also in a far more important, extraordinary way. As my vision faded, I came to see more clearly that we are born again through Jesus Christ, the Son of God. The one thing that sustained me through the devastation

of my progressive vision loss was the fact that I had, since 1984, an established, deep, personal relationship with my Lord, Jesus Christ. I remain to this day a devoted and faithful Christian and am a member at the Wood River Baptist Church, which is in Wyoming, Rhode Island.

Despite my blindness, my deep and abiding faith gave purpose in life. I have always done my best to care for others. In the beginning of my career I provided medical care as a nurse. But now I care for others in what I feel is an even more important sense, by bringing the good news of the Gospel to others so they can have eternal life.

B. My use of the Wilcox Park and Westerly's free, public library

In 2014, my husband and I moved to our current apartment in [REDACTED]. One of the reasons we chose to live there is that it is directly across the street from Wilcox Park, a large open public park in the middle of town. Wilcox Park is around 16 acres, comprising an open meadow area, a fish pond, monuments, and gardens. It is surrounded by the post office, the library, the Town Hall, the YMCA, and other public buildings and businesses. We thought this location would be ideal for us. Even when my husband is away, I would be able to walk in relative security through a well-attended public park. I would only need to cross one busy street to get there safely.

Over the years, my husband and I enjoyed many strolls through Wilcox Park. I also from time to time would make use of the Westerly Library, a free public library situated on the southwest corner of the park. Often, I would take my grandchildren to the library as a special outing.

On some days, including when my husband was working at Westerly Hospital (he too is a nurse), I would walk over to Wilcox Park by myself with copies of the Gospel of John, one of the four Gospels in the New Testament of the Bible. My purpose was to talk to others about Christianity and help them, too, see the light of Christ. I received copies of the Gospel of John from the Pocket Testament League, a non-profit corporation that invites people to meet Jesus through "a simple repeatable method. We simply offer them a Gospel of John, the Word of God. No arguing."¹

¹ The Pocket Testament League, "About." <https://www.ptl.org/about/>, last visited June 9, 2020.

Because my Christian outreach and my disability have led certain persons to take actions against me, I should explain how I interact with other persons using the park in a little more detail.

Here is what I do not do: I do not walk about or sit down with a cardboard sign carrying an ominous message concerning the end of days. I do not shout of the coming apocalypse or cry out that so-and-so is condemned to damnation and the world is doomed. I do not prophesy or speak in tongues or shout. I do not follow people and harangue them. I do not argue with those who wish to end any conversation I might initiate. I do not carry around a can seeking donations for myself or for my church.

Instead, I do what the Pocket Testament League urges: “simply offer them a Gospel of John, the Word of God. No arguing.” From time to time I attempt to start a conversation with passersby, and if they are willing, I offer them a copy of the Gospel of John and explain my beliefs. I have had many positive interactions with men and women that I’ve met in this way.

Now that I have been banned from the Wilcox Park and the Westerly Library, it is impracticable for me to exercise my religious beliefs and share my faith. Apart from that, I cannot independently access another public park or another free public library.

C. The Memorial and Library Association’s decision to bar me from the Wilcox Park and Westerly Library.

I have learned that the Wilcox Park is apparently managed by an organization called the “Memorial and Library Association” (the “Association”). As the name suggests, the Association also manages Westerly’s free public library situated on the southeast corner of the park. I understand that the Association can manage the park and the library because in 1898, Henrietta Wilcox purchased the land and donated it on the condition that it be used as a public park. Today, the Association receives a lot of money from the state and town government to run Westerly’s free public library and the public park.

It has become clear that the Association has discriminated against me on the basis of my disability, my religion, and my religious message. On June 24, 2019, Association staff (William Lancellotta III) contacted law enforcement to report that I was trespassing on the park (see Exhibit 1). He and perhaps other Association staff members told the police that they had spoken to

me in the past and asked me to refrain from “stopping patrons and giving them religious pamphlets.” They also informed the police that I had “accosted” park and library patrons, and that I give out “pamphlets which patrons end up discarding in the park.” They asked the police to bar me from entering the park and the library for two years. I am unaware of any sighted person being barred from entering the park by the Association. I peacefully left the park that day.

The Association had no non-discriminatory reason to ban me from the library. Although the Association reprimanded me for handing out the Gospel and proselytizing in the park, I do not distribute the Gospel in the library itself. I have been in the library now and then, but I do not try to engage passersby in conversation concerning Christianity in the library like I did in the park. I refrain from doing so because I respect the sound limitations in the library. To this day, no explanation has been offered me as to why I cannot set foot in the Town of Westerly’s free, public library.

I am concerned that the Association is watching me and waiting for me to step foot into the park or library. This fear is not without some foundation. On July 9, 2019, my church held a Vacation Bible School event for the community in Wilcox Park. I had previously volunteered to assist with the event and attended with at least six other volunteers from my church. When I returned home, I received a phone call from the Westerly Police Department informing me that I had trespassed, specifically warning me that any future violations would result in my arrest (see Exhibit 2). No one else from my church received a call from the police.

The Association also had no non-discriminatory reason to ban me from the park. The reasons offered to the Westerly Police Department by the Association to support their trespass claims are not credible.

First, the Association told the police that one of the reasons I was barred from the Wilcox Park was that the “pamphlets” (i.e., copies of the Gospel of John) that I handed out were sometimes discarded by other patrons on the grounds. You may note that the Association is not claiming that I littered in the park. Rather, the Association claimed that the issue it had with me was something that (they claim) *others* did in violation of park guidelines: litter. To be clear, I never lay out my copies of the Gospel on park benches, the ground, or the library’s literature racks.

When the Association confronted me with this explanation for my ejection from the park, I offered to pay for any inconvenience that could arise from other persons' decision to litter copies of the Gospel on Wilcox Park. I offered to pay one dollar per copy of the Gospel found on park grounds and returned to me. This suggestion was rejected without any discussion, counteroffer, or accommodation. The Association also had other means available to them to mitigate the littering, such as enforcing the park guidelines against those who did litter, rather than banning me from the park on pain of arrest.

Second, the Association told the police that I must be barred from the park because I "stopp[ed]" and "accosted" several persons. To my knowledge I have never stopped anyone in the park by physical means. That would not be consistent with the peaceful ministry practiced and preached by Jesus. In addition, I am a blind woman in her sixties. Physically accosting persons would be rather dangerous, had I the means to do it at all.

Nor can the Association reasonably claim that I have "stopped" or "accosted" anyone through my attempts to engage other persons in the park in conversation. Anyone who wishes to end a verbal interaction can simply walk away from me or ask me to stop speaking with them. I will not pursue, harass, or argue with them, as that would be contrary to Jesus' example and a breach of civic etiquette.

Third, before that day in June, I had interactions with the Association's staff that showed that the reasons they offered were not valid. On a few prior occasions I had been approached by the Association's staff and told that I was not allowed to hand out literature. This is not true: neither park nor library guidelines bar handing out written materials, and others routinely do so with the Association's blessing (or at least, without the Association calling the police). Further, I only handed out my copies of the Gospel to those who indicated some interest in taking it, unlike like some of those who hand out commercial solicitations on street corners. The library and park certainly have no guidelines barring the consensual exchange of written information on their grounds. It appears that before taking formal legal action, the Association took steps to conceal its actual goal—i.e., to stop me from handing out the Gospel—by reframing their complaint from handing out the Gospel to me "accosting" others. I am unaware of any sighted person being characterized by the Association as "accosting" others they choose to speak with in the park.

My attorney sent a public records request to the Westerly Police Department. The Police Department searched for all incidents that involved complaints or trespass notices issued to anyone for distributing information, pamphlets, soliciting, selling, hawking, etc., and found none apart from when the Association called the police to eject me from the park.

My conduct did not violate the “Rules of Conduct” posted by Westerly Library and Wilcox Park.² Nor did it violate any of the Park’s Guidelines.³ None of these rules limit striking up conversations with strangers or handing out literature. To the contrary, the Association’s stated mission is to “strengthen community and enrich lives by stimulating intellect and sparking imagination through access to literature, information, technology, nature, and the arts.”⁴ Indeed, the library purportedly values the First Amendment:

It is our policy to provide an accessible place for cultural and educational activities. It is our policy to affirm First Amendment [sic] rights of individuals and groups to express and hear all points of view, in line with the American Library Association Code of Ethics, II: “We uphold the principles of intellectual freedom and resist all efforts to censor library resources.”⁵

The Association can only access the vast quantity of taxpayer money it receives because it has agreed to remain a space of free and open public discourse. In addition, I believe that the terms and conditions under which the Association manages the charitable donations of others include stipulations that these resources be shared with and managed for the public, and particularly residents of Westerly. Harriet Wilcox and her husband were devoted Christians, and one might even venture that the Association’s governing documents recognize the importance of faith.

Far from banning spontaneous conversations and the use of written materials to park patrons, “[t]he Association makes the

² Westerly Library and Wilcox Park, Rules of Conduct, <https://westerlylibrary.org/sites/westerlylibrary.org/files/images/Rules%20of%20Conduct.pdf>.

³ Westerly Library and Wilcox Park, Park Use Guidelines, https://westerlylibrary.org/sites/westerlylibrary.org/files/images/Park%20Use%20Guidelines%202016_edit.pdf.

⁴ Westerly Library and Wilcox Park, Policies and Plans, <https://westerlylibrary.org/policies-and-plans>.

⁵ *Id.*

Park available to organizations and individuals for non-commercial, cultural, informational, educational, intellectual and civic purposes as well as for wedding ceremonies, group picnics and community gatherings.”⁶

In addition, the Association treats similarly-situated, sighted individuals and groups very differently. The park allows private and public events of all sorts, even those private events that are substantially more likely to result in littering than handing out pocket-sized copies of the Gospel of John by someone who is blind.⁷ These include weddings (which involve the distribution of programs), plays (which distribute handbills), and public events for the Town of Westerly. At most, the Association requests that “[w]here a large amount of trash or debris is expected, the user must arrange, at its own expense, for removable garbage receptacles in form and number acceptable to the Park Superintendent.”⁸ No similar offer or accommodation was made available to me. I feel I was treated differently because of both my faith and disability.

D. Conclusion

In sum, it is clear to me that the Association has taken the extraordinary and harsh step of ejecting me from the park and library for two years on pain of arrest due to my religious beliefs and the complications that my disability poses when I engage in protected activities.

I respectfully request that the Commission intercede and require the Memorial and Library Association to make amends for their unlawful discrimination, and to permit me to return to the park and library to make full use of its accommodations and services, including through peaceful, civil, and non-confrontational conversations about Jesus.

⁶ Westerly Library and Wilcox Park, Park Use Guidelines, https://westerlylibrary.org/sites/westerlylibrary.org/files/images/Park%20Use%20Guidelines%202016_edit.pdf.

⁷ Westerly Library and Wilcox Park, Full Event Calendar, <https://westerlylibrary.org/calendar/month>.

⁸ Westerly Library and Wilcox Park, Park Use Guidelines at 2, https://westerlylibrary.org/sites/westerlylibrary.org/files/images/Park%20Use%20Guidelines%202016_edit.pdf.

Signed under the pains and penalties
of perjury

Gail Blair

Gail Blair

June 15, 2020

State of Rhode Island

County of Washington

On this 15th day of June, 2020, before me, the undersigned notary public, personally appeared Gail Blair and proved to me, through satisfactory evidence of identification, to be the person whose name is signed on the document, and who acknowledged that they signed the document voluntarily for its stated purpose.

Rosellina Pastore

Notary Public

Notary ID # 52122

My commission expires: 10-2-23

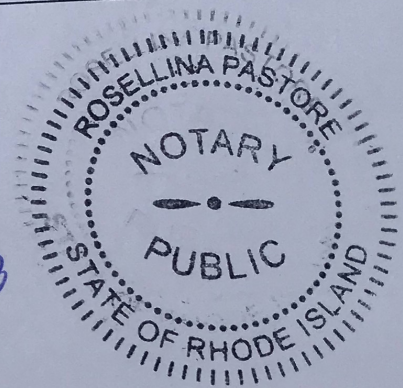


Exhibit 1



Westerly Police Department
Incident Report

Page: 1
06/03/2020

Incident #: 19-755-OF
Call #: 19-23700

Date/Time Reported: 06/24/2019 1312
Report Date/Time: 06/24/2019 1424
Status: No Crime Involved

Reporting Officer: Patrol Matthew John
Approving Officer: Sergeant Shawn Rathgaber

Signature: _____

Signature: _____

#	INVOLVED	SEX	RACE	AGE	SSN	PHONE
---	----------	-----	------	-----	-----	-------

1	BLAIR, GAIL M [REDACTED]	F	W	65	NOT AVAIL	[REDACTED]
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Military Active Duty: N
HEIGHT: 0 WEIGHT: 0 HAIR: NOT AVAIL. EYES: NOT AVAIL.
BODY: NOT AVAIL. COMPLEXION: NOT AVAIL.
DOB: [REDACTED] PLACE OF BIRTH: NOT AVAIL.
LICENSE NUMBER: NOT AVAIL. ETHNICITY: NOT HISPANIC

[CONTACT INFORMATION]

Home Phone (Primary) [REDACTED]

#	EVENTS (S)
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LOCATION TYPE: Other/Unknown Zone: Inside area
WILCOX PARK
44 BROAD ST
WESTERLY RI 02891

1 TRESPASS WARNING

#	PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
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1	LANCELOTTA III, WILLIAM A [REDACTED]	COMPLAINANT	M	W	53		[REDACTED]
---	---	-------------	---	---	----	--	------------

DOB: [REDACTED]
EMPLOYER: WESTERLY PUBLIC LIBRARY 401-932-3770
CONTACT INFORMATION:
Home Phone (Primary) [REDACTED]
Work Phone (Primary) [REDACTED]

On 06/24/19, Ptlw. Peterson and I responded to Wilcox Park for a report of a subject needing to be trespassed by staff. Upon arrival, I met with Assistant Director William Lancellotta who was speaking with Gail Blair. Lancellotta stated himself and other administrators for the park/library have spoken to Blair in the past and asked her to refrain from stopping patrons and giving them religious pamphlets. Lancellotta stated he has received several complaints in the past as well as today about Blair "accosting" park and library patrons. Lancellotta said they have given Blair several chances in the past to stop but she continues to stop patrons and give them pamphlets which patrons end up discarding in the park.

Lancellotta stated he wished to have Blair trespassed from Wilcox Park and Westerly Library for two years. Lancellotta completed a trespass statement. I informed Blair of Lancellotta's request and that she could not go into the park or library for two years. Blair stated she disagreed with Lancellotta's view but agreed to adhere to their request. Blair then left the park without incident.

Ptlm. M. John #740

Exhibit 2

For Date: 07/09/2019 - Tuesday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>
19-26011	1053	Phone - Trespassing	Investigated	2
Call Taker:		Dispatcher Jace M Laplante		
Location/Address:		[504 337] WILCOX PARK - 44 BROAD ST		
Involved Party:		BLAIR, GAIL M @ [REDACTED] - WESTERLY, RI 02891 [REDACTED]		
		Race: W Sex: F		
Calling/Inv. Party:		LANCELOTTO III, WILLIAM A @ [REDACTED] - WESTERLY, RI 02891 [REDACTED]		
		Race: W Sex: M		
ID:		Patrol Richie J Mourato		
Narrative:		07/09/2019 1054 Dispatcher Jace M Laplante		
		trespasser / 752		

Narrative: 07/09/2019 1117 Patrol Richie J Mourato
Dispatched to the Wilcox Library for a report of a female trespassing. Upon arrival, I spoke with the assistant director, William Lancellotta. Lancellotta said that a female named Gail Blair was on the property disseminating religious material, and has been trespassed for this in the past due to her aggressive soliciting behavior. Lancellotta said he just wished to have her removed off the property but, not arrested. Lancellotta and I checked the park and were unable to locate her. I later spoke with Blair and warned her again not to enter the park, and advised her that she was trespassed recently for two years. Blair said she understood.