



Written by [Bob Adelman](#) on March 30, 2020

## Rhode Island Forces Any Out-of-state Visitors to Quarantine Themselves

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Rhode Island Governor Gina Raimondo replaced her edict demanding that New Yorkers coming to her state to escape the virus pandemic quarantine themselves for 14 days or else face fines and imprisonment and [replaced it with one](#) that includes *anyone* from out of state. She defended her initial edict by stating, "The reason is because more than half of the cases of coronavirus in America are in New York.... I know it's unusual. I know it's extreme, and I know some people disagree with it. [But] if you want to seek refuge in Rhode Island, you must be quarantined."



The governor isn't quite right about the numbers, but her threat is real. According to Worldometers, as this is being written on Monday morning, there are 142,793 known cases of the virus in the United States, with 59,648 (41 percent) of them in New York State. There are 294 known cases of the virus in Rhode Island, which have resulted in three deaths so far.

The governor is determined to keep her state's numbers as low as possible, no matter what it takes. She has ordered the state police to set up checkpoints on I-95 and other main highways leading into her state from the west where drivers from out of state are being directed to checkpoints. If they ignore the signs, they will be pulled over. They will be quizzed about their plans, forced to give their personal contact information, and given a copy of the governor's edict. It includes the penalties for noncompliance with the state's quarantine: a \$500 fine and possible jail time for up to 90 days.

National Guardsmen were also posted at train stations and bus depots to seek out and warn incoming New Yorkers seeking refuge in the state.

Even more egregious is her ordering National Guardsmen to start knocking on doors, primarily in small coastal towns where many out-of-staters have summer homes. Without search warrants, they have already knocked on more than 1,000 doors, demanding contact information from any persons from out of state living there and giving them copies of the governor's edict.

Among the first to protest Governor Raimondo's actions was New York Governor Andrew Cuomo, who called her initial edict "clearly unconstitutional," adding, "I understand the goal ... [but] we have to



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keep the ideas and the policies we implement positive rather than reactionary and emotional. There [are] potential points of absurdity that people [like Raimondo] reach when it comes to trying to deal with the pandemic [and] I think Rhode Island is at that point of absurdity.”

Governor Raimondo was miffed at Cuomo’s criticism of her initial order that was directed just at New Yorkers: “I did talk to the governor of New York yesterday [Saturday] after I had already taken my action. We chatted about it. If he feels it’s important for him to take credit [for my new edict to include all out-of-staters] go ahead. I’m going to keep working here to keep Rhode Islanders safe. I will say I think it’s odd that Gov. Cuomo is focused on this sort of politics at a time that we’re fighting disasters.”

What Steven Brown, the state’s executive director of the American Civil Liberties Union, considered odd was the vast overreach of Governor Raimondo’s executive decree:

While the Governor may have the power to suspend some state laws and regulations to address this medical emergency, she cannot suspend the Constitution.

Under the Fourth Amendment, having [an out-of-state] license plate simply does not, and cannot, constitute “probable cause” to allow police to stop a car and interrogate the driver, no matter how laudable the goal of the stop may be.

Brown is referring to the limitations the founders built into the Constitution precisely to keep police from doing that. The Fourth Amendment to the Constitution reads, “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

Her edict also violates the Comity Clause, otherwise known as the Privileges and Immunities Clause (Article IV, Section 2, Clause 1): “The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.” This limitation was deliberately added by the founders to prevent a governor of one state from treating citizens of another state in a discriminatory manner.

One of those citizens whose rights were violated by Rhode Island’s National Guardsmen who came to his home without a warrant was a New Yorker who had just returned from a trip to the Bahamas with his family to his summer home in Rhode Island. Reha Kocatas told TV station WCVB that he questioned Raimondo’s overreach: “If New Yorkers are such high risk individuals, why are [they] putting first responders in front of these individuals?... It seem[s] like a pretty large waste of resources for something that could have been volunteered through an online form pretty quickly ... it seemed like bureaucratic grandstanding.”

If allowed to stand, the governor’s edict could be replicated in other states where similar warnings have been issued but without the threats and constitutional violations posed by calling up the National Guard.

*Image: Lady-Photo via iStock / Getty Images Plus*

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