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Ruling ordering removal of school's prayer banner won't be appealed

Brian J. Lowney Catholic News Service | Feb. 29, 2012

CRANSTON, R.I. -- A local school committee voted it won't appeal a federal court ruling that called for the permanent removal of a Cranston public high school's prayer banner that had been in place for almost 50 years.

After hearing three hours of passionate testimony Feb. 16, the Cranston School Committee voted 5-2 to not appeal because most members believed that the cost of additional legal expenses would hurt the school department budget.

The banner became the center of debate last April when the American Civil Liberties Union filed a lawsuit contending that it was a religious symbol displayed in a public school that violated the First Amendment rights of Jessica Ahlquist, a self-avowed atheist, who is now a junior at Cranston High School West.

More than 700 people attended the committee meeting, many of them wearing signs bearing the directive "Appeal," while others carried placards supporting their position. Before the meeting began, many supporters of the prayer banner sang "God Bless America," while during the recitation of the Pledge of Allegiance, a large number in the audience shouted "Under God."

Joseph V. Cavanagh, a First Amendment attorney and member of the legal team which represented the city of Cranston in the ACLU suit, told those gathered that he'd received hundreds of calls about the case, mostly in support of keeping the banner on the wall of the auditorium where it has hung since 1963, when it was presented as a gift from that year's graduating class.

"This is not about prayer in public schools," Cavanagh emphasized, adding that a 1963 Supreme Court decision stipulates that prayers cannot be recited in public schools.

Cavanagh said while he believes the Cranston banner is a "display," U.S. District Judge Ronald Lagueux, who ordered the banner's removal, interpreted the issue differently, calling it a "prayer" because it begins with the words "Our heavenly Father" and ends with "Amen."

The attorney said during the past 50 years, most students "never realized it was there" and that the inscription was never used as a prayer.

Lawyers representing Ahlquist have asked the city to pay $173,000 in legal fees to the ACLU.

Cavanagh estimated it would cost up to $500,000 to appeal the case to higher courts, and noted that if an appeal was denied by the 1st U.S. Circuit Court of Appeals in Boston, the U.S. Supreme Court has discretionary power to refuse to hear the case.

Describing the banner as a "historic relic," Cavanagh said that while "prayer is important," the case would not solve the issue of God being removed from the public arena.

"This mural doesn't represent prayer being taken from students," he argued, adding that the battle was fought

long ago. Cavanagh added that the controversy has offered all students a "tremendous lesson" about prayer being removed from schools almost a half-century ago, and also for the need to respect the rights of others.

During the public testimony, many Cranston residents said they were willing to help fund the cost of further litigation, adding that if the school committee voted not to appeal, it would set a bad precedent and encourage others to try to remove references to God and religion from society.

Other speakers urged the school committee not to appeal the court decision, noting that money spent on additional litigation would result in further cuts to school programs and student services.

Speaking after the vote was taken, Kerri Kelleher, a parishioner of St. Mark Church in Cranston, said her focus was on the committee's "fiscal responsibility to the children."

While she supported the appeal in theory, Kelleher told the *Rhode Island Catholic*, newspaper of the Providence Diocese, she agreed with most school committee members that added legal expenses would negatively impact the school department budget.

Kelleher is the founder of an after-school music enrichment program created after cuts were made in the school district's music program.

"I am going to pray for her (Jessica Ahlquist) because she has no God," Kelleher said, noting that she is following the example of her pastor, Fr. Anthony Verdelotti, who said in a recent homily that he was praying for the student.

School committee member Frank Lombardi, who voted in favor of the appeal, said he was disappointed by the committee's decision.

"I hope it's going to be preserved in one way or another," he said, adding that some church groups and other organizations had expressed an interest in displaying the banner.

"It's never an easy decision," Lombardi said. "But we have to live with that decision."

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