

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

January 19, 2012

**SENT VIA FAX AND U.S. MAIL
(401) 222-2616**

Marlene Torivio
Intake Officer
State of Rhode Island Commission for Human Rights
180 Westminster St Third Floor
Providence RI 02903-1918

Re: Violation of Rhode Island Public Accommodation Statute

Dear Ms. Torivio:

On behalf of the Freedom From Religion Foundation (FFRF), I am writing to report a violation of the Rhode Island's Public Accommodation Statute, R.I.G.L. §§11-24-1-11-24-3. FFRF is the nation's largest association of freethinkers — atheists, agnostics and skeptics — based in Madison, Wisconsin. Our purpose is to protect the constitutional principle of separation between state and church and to represent the rights and views of nonbelievers. We represent over 17,000 members across the country including members in Rhode Island.

We believe Twins Florist, located at 1083 Park Avenue in Cranston, Rhode Island, engaged in illegal discrimination based on religion by refusing to fill an order by FFRF. This order was to be sent to a Cranston resident. We believe this order was refused because of the customers' nonbelief.

Ms. Ahlquist is an outspoken atheist who has made national headlines because of her involvement in a federal lawsuit against the Cranston School District. Just last week, Ms. Ahlquist won her challenge against a prayer banner hanging at her high school. During the course of litigation and particularly in the days since her victory at the district court, Ms. Ahlquist has been receiving threats of physical harm because of her atheism and her involvement in this case. Please find enclosed copies of articles from various news sources describing this matter.

Since the filing of Ms. Ahlquist's lawsuit, FFRF has actively supported her efforts to keep state and church separate. Ms. Ahlquist has been awarded FFRF's 2011 Thomas Jefferson Student Activist award, has spoken at FFRF's annual convention (most recently taking place in Hartford, CT) and other awards were bestowed this week.

As a result of Jessica's victory, FFRF Co-President Annie Laurie Gaylor wanted to send a note of congratulations and a bouquet of flowers to Jessica. It was at this point that Twins Florist violated Rhode Island law.

The following facts form the basis for this complaint:

- On January 17, 2012, FFRF Co-President, Annie Laurie Gaylor, seeking to send a bouquet of roses to Ms. Jessica Ahlquist of Cranston, Rhode Island, contacted a Madison-based flower shop to assist in delivery of these flowers to Ms. Ahlquist.
- It is our understanding that this flower shop contacted at least three florists in Cranston in an attempt to order a bouquet set for delivery on January 18th.
- On January 17th, the flower shop in Madison contacted Floral Express, located at 30 Phenix Ave in Cranston, about this order. On January 18th, the flower shop in Madison was notified via Dove Network (an electronic order service) messaging that Floral Express was "closed on the requested delivery day." The message also noted that "...I am not able to fill this."
- After this refusal, the flower shop contacted Twins Florist located at 1083 Park Avenue in Cranston.
- At 2:12 PM, our Madison-based florist was contacted by Twins Florist refusing the order. The Dove Network message, which is enclosed for your review, read:

"I will not deliver to this person."

- The shop in Madison then contacted Flowers by Santilli located at 330 Budlong Road. This shop does not utilize the Dove Network, so they were phoned for the order.
- The owner of that shop, upon hearing the name of the person to whom the flowers would be delivered, said he would rather not get involved and refused to fill the order.
- On January 18, 2012, the flower shop in Madison was able to get Greenwood Flower and Garden in Warwick to accept the order.
- On January 19th, the owner of Greenwood called and stated that he was receiving many calls and e-mails about the order — many refusing to give the shop business if he delivered the flowers to Ms. Ahlquist — and therefore, refused the order.

Ultimately, FFRF was forced to do business out of state and placed the order with Glimpse of Gaia in Putnam, Connecticut.

Under R.I.G.L. 11-24-2, it is illegal for if an

“... owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation, resort, or amusement shall directly or indirectly refuse, withhold from, or deny to any person on account ... religion ... any of the accommodations, advantages, facilities, or privileges of that public place.”

It further states that

“[n]o person shall directly or indirectly publish, circulate, issue, display, post, or mail any written, printed or painted communication, notice, or advertisement, to the effect that any of the accommodations, advantages, facilities, and privileges of any public accommodation place shall be refused, withheld from, or denied to any person on account of ... religion...” *Id.*

Under the statute, a place of public accommodation


“includes, but is not limited to: (1) inns, taverns, roadhouses, hotels, whether conducted for the entertainment or accommodation of transient guests or of those seeking health, recreation or rest; (2) restaurants, eating houses or any place where food is sold for consumption on the premises; (3) buffets, saloons, barrooms, or any stores, parks, or enclosures where spirituous or malt liquors are sold; (4) ice cream parlors, confectioneries, soda fountains, and all stores where ice cream, ice and fruit preparations or their derivatives, or beverages of any kind are retailed for consumption on the premises; (5) *retail stores and establishments*, dispensaries, clinics, hospitals, rest rooms, bath houses, barber shops, beauty parlors, theaters, motion picture houses, music halls, airdromes, roof gardens, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiard and pool parlors, swimming pools, seashore accommodations and boardwalks, and public libraries; (6) garages; (7) all public conveyances operated on land, water or in the air as well as their stations and terminals; (8) public halls and public elevators of buildings occupied by two (2) or more tenants or by the owner and one or more tenants; and (9) public housing projects. Nothing in this section shall be construed to include any place of accommodation, resort, or amusement which is in its nature distinctly private.” R.I.G.L. §11-24-3 (emphasis added).

Twins Florist violated this statute when it refused the order by FFRF and it stated in its refusal that it would not “deliver to this person.” Furthermore, FFRF was harmed by this refusal, which was based on Ms. Ahlquist’s atheism and FFRF’s support of her. FFRF was forced to find a store out of state to accept the order and make a belated delivery to Ms. Ahlquist.

We ask that the Commission for Human Rights in Rhode Island commence an immediate investigation into this matter. We further ask that the Commission take the appropriate and necessary action to formally charge this florist with violations of state law. We request that we be notified in writing of the actions the Commission takes on this matter.

If I, or Ms. Annie Laurie Gaylor, can be of further assistance to you in this matter, please do not hesitate to contact us. Thank you in advance for your time and consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read 'RSMA', with a horizontal line drawn through the top of the letters.

Rebecca S. Markert
Staff Attorney

Enclosures

Rhode Island Teen's Battle Against Prayer Banner Has Gone 'Too Far,'

Mayor Says

By CHRISTINA NG

Jan. 18, 2012 —

go.com

Teen Atheist Jessica Ahlquist Brought the Banner to the Attention of the ACLU.

A controversy initiated by a teenage girl over a prayer banner in a Rhode Island public school has gone "too far" according to the town's mayor.

The teen, who is 16 and says she's an atheist, has received threats and the city is paying hefty amounts of money in legal fees.

A Rhode Island judge ruled last week that a prayer mural at Cranston High School West needs to be removed "immediately," but members of the community are fighting back by pursuing an appeal that would cost the city more money in a legal battle that has already racked up tens of thousands of dollars in fees.

"I think it's gone too far," Cranston Mayor Allan Fung told ABCNews.com. "Our country was built upon civil discourse, not hate for one person exercising their constitutional rights."

Fung said, however, that if it were up to him, "I would say, respect the judge's decision and not take the appeal because, unfortunately, we could not afford these costs in these tight budgetary times."

The teenager at the center of the controversy is junior Jessica Ahlquist, who has thousands of supporters on a number of Facebook pages, Twitter and her own website.

"I would definitely say that being an atheist is a big part of my identity, mostly because I'm an activist," Ahlquist said in a YouTube video that answered questions from supporters. "I wouldn't say that I go shoving atheism down anyone else's throat. I just feel passionate about activism and specifically activism for atheism."

The battle began in July 2010 when Ahlquist informed her local ACLU chapter of the mural addressed to "Our Heavenly Father" that is displayed in the auditorium of her school. Ahlquist said in her ACLU suit that the banner made her feel "ostracized and out of place."

The mural has been in the school since 1963 and a school committee said it was "historical" and "artistic."

The matter went before U.S. District Judge Ronald Lagueux who decided on Jan. 12 that, "No amount of debate can make the School Prayer anything other than a prayer." He ordered that it be taken down, but the mural is currently still up but covered with a tarp.

On Tuesday night, nearly 300 members of the school community attended a school committee meeting and the majority of those in attendance were calling for an appeal to the decision so that the banner could stay up. Some carried signs that said, "Appeal or we'll vote them out," according to

ABC News' Providence affiliate WLNE.

No decision on whether or not to appeal was reached at the meeting as the item was not on the pre-determined agenda.

Ahlquist was at the meeting and said she would "definitely" do what she did again, even if she has been getting frightening threats.

"A lot of people are saying that they hope I get beat up," she told WLNE. "They they would hurt me physically in school if they could. It is hurtful. It kind of disturbed me. It's mostly hurtful when it comes from students in the school."

A few extra police officers were on-hand in case anything was to get out-of-control, but nothing happened. The school board said it is not ready to make a decision yet on whether to appeal the decision.

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Judge orders removal of school prayer mural

Thu, Jan 12 2012

By Terry Baynes

(Reuters) - A federal judge has ordered the immediate removal of a Christian prayer mural displayed in the auditorium of a Rhode Island high school, saying it violated a U.S. constitutional ban on state-sponsored prayer in public schools.

U.S. District Judge Ronald Lagueux rejected the school's claims that the message in the mural - which opens with "Our Heavenly Father" and closes with "Amen" - was purely secular.

"No amount of debate can make the School Prayer anything other than a prayer, and a Christian one at that," Lagueux wrote in a 40-page opinion.

Jessica Ahlquist, a student at Cranston High School West, sued the city of Cranston and its school committee in April 2011 to remove the banner, which dates back to 1963.

As an atheist, Ahlquist said the mural made her feel excluded and ostracized. She accused the school of violating the Establishment Clause of the Constitution's First Amendment, which prevents the government from promoting one religion over another.

School officials responded that the banner was a historical memento of the school's founding days and did not serve any religious purpose. The prayer encourages values of honesty, kindness, friendship and sportsmanship.

Joseph Cavanagh, a lawyer for the city and school officials, said they were analyzing the opinion to determine whether to file an appeal.

"We were hoping this banner would be viewed as a neutral, secular, historic display," Cavanagh said. The mural, donated by the class of 1963, had evolved historically in the community and never had a religious purpose, he said.

The court relied on a 2005 case in which the U.S. Supreme Court called for particular care in separating church and state in public schools. In that case, the high court ruled that a monument displaying the Ten Commandments was acceptable on the grounds of the Texas State Capitol.

But the court added that the same monument on the grounds of a public school would be impermissible, "given the impressionability of the young."

Lynette Labinger, a volunteer lawyer with the American Civil Liberties Union who represented Ahlquist, praised the judge for recognizing that Supreme Court precedent.

"Placement of a public government display of a religious message in a place with impressionable young students has not been upheld," she said.

(Reporting by Terry Baynes; Editing by Cynthia Johnston and Eric Walsh)

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Judge: School prayer banner must go

Advertisement

Banner's been at Cranston school for decades

Updated: Thursday, 12 Jan 2012, 2:28 PM EST

Published : Wednesday, 11 Jan 2012, 6:36 PM EST

- By Courtney Caligiuri

PROVIDENCE, R.I. (WPRI) - A judge has ordered a prayer mural, that has been in Cranston West High School for decades, to be taken down immediately.

City officials have 10 days to respond to the ruling, and haven't decided yet whether to abide by the decision or pay the legal fees to appeal.

- **Update:** Teen atheist responds to ruling
- **Related:** Text of Cranston West Prayer Banner

Cranston city officials and the Rhode Island ACLU have been arguing over the banner that's hung in the auditorium for decades.

It began when teenage student, Jessica Ahlquist, an atheist sued the city and Cranston school officials, demanding they remove the prayer mural because she felt it promotes a particular religion.

City officials however, claimed it was an historical artifact and serves no religious purpose.

Last April, Jessica Ahlquist said this about the banner.

"I'm an atheist and I don't believe in the heavenly father and I wouldn't like to see that posted on a wall in my school."

The ACLU says the prayer violates the first amendment, pointing to Supreme Court decisions over the separation of church and state, as well as the Cranston School District's policy which states that "the proper setting for religious observance is the home and the place of worship."

The banner has been hanging in the auditorium for nearly 50 years, after being written by a student. It contains reference to "Heavenly Father" and ends with "Amen."

The banner could be taken down as early as next week.

The Rhode Island ACLU said it will hold a news conference about the ruling Thursday at 9:30 a.m.



RTI ORDER: 21436204

Date: 01/18/2012 Dove Network Received Message Time: 14:12 pm

REFUSED: REFUSED: REFUSED: REFUSED: REFUSED: REFUSED: REFUSED: REFUSED: REFUSED:
REFUSED: REFUSED: REFUSED: REFUSED: REFUSED: REFUSED: REFUSED: REFUSED: REFUSED:
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Message Type: REF
Fill Shop Code: NJ-804428 - TWINS FLORIST
CRANSTON
1431/912-8300

Dove Order Number: WEN453
Order Date: 01/18/2012
Delivery Date: 01/18/2012
Operator: M.S. Pispman
Recipient Name: JESSICA AVALQUIST
Address: [REDACTED]

City/State/Zip: CRANSTON RI [REDACTED]
Message: Other
I will not deliver to this person.

Message Number: VEZ355-14138

Thank you for using the Dove Network
Message has been automatically reported.

Rebecca

Fax

204-0422