

St. Cloud removes second cross

City backs off new court fight

Associated Press

ST. CLOUD — Workers removed a cross Friday atop the city's 130-foot water tower after the town council voted not to fight a second lawsuit charging that it is unconstitutional.

"It's a no-win situation. Constitutional law is to provide the minority with their rights," said council member John

The 13-by-13-foot lighted wooden cross that looks like a plus sign was put up after a federal judge ruled last summer that a Latin cross that had been atop the tower for 20 years violated provisions separating church and state.

The American Civil Liberties Union filed a second federal court action this week, alleging that the newest object was still a religious symbol and that St. Cloud was trying to evade the court's ruling. The ACLU vowed to take the issue all the way to the U.S. Supreme Court if necessary.

The expense swayed the majority of council members, despite opposition from the other two and activists who wanted to engage in a legal struggle to keep the cross. The two members who voted against the action had proposed holding a referendum to let the voters decide.

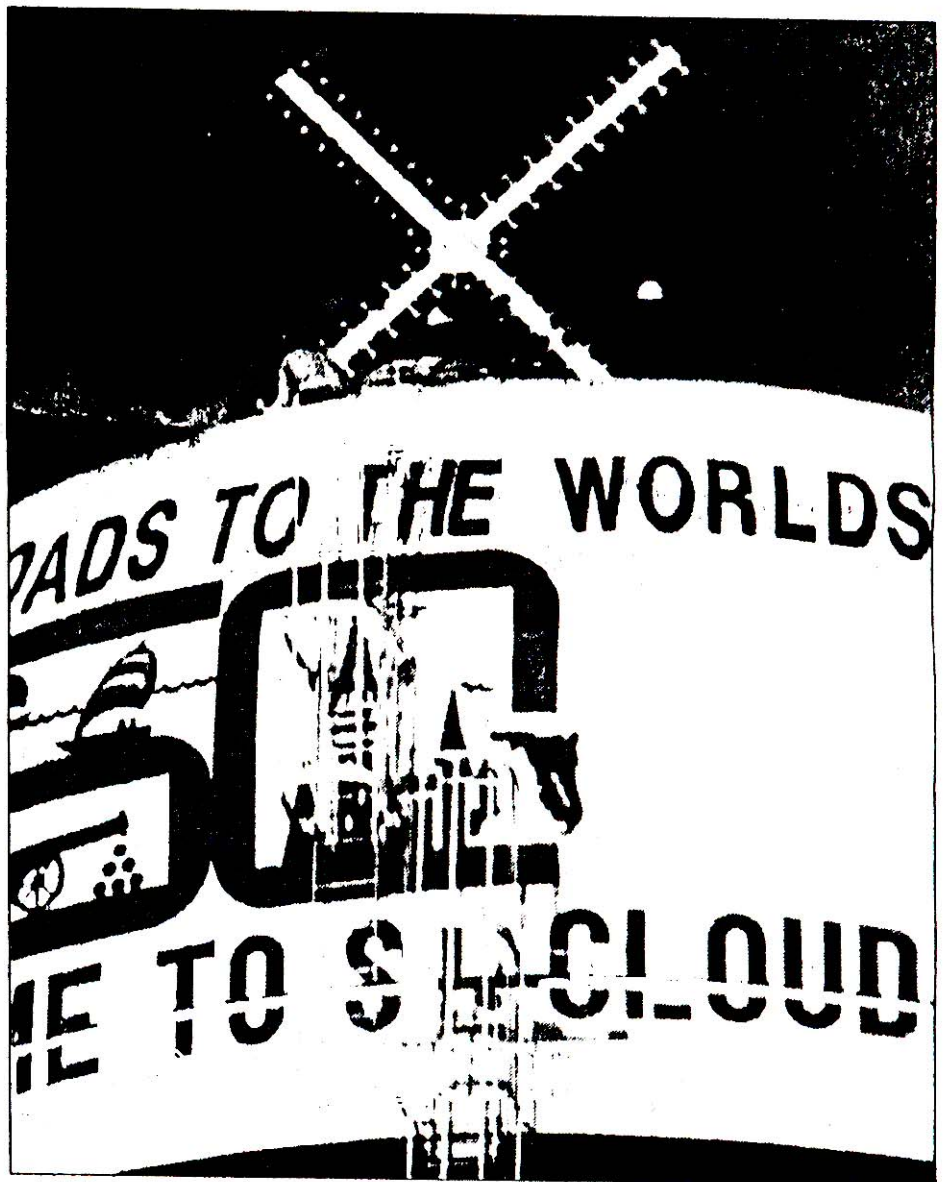
"It's part of St. Cloud history. The whole community should decide, not the five of us," Councilman Ron Howse said.

Howse said the council had "succumbed to judicial terrorism."

The earlier court fight cost the city almost \$100,000. Another legal effort could cost as much as \$500,000.

Warren Keiner, chairman of the ACLU's Central Florida chapter, said the lawsuit, filed on behalf of Jewish resident Ron Mendelson, probably would be dropped.

"The intent of the suit was simply to get them to remove the cross," Keiner said. "I would characterize this as an unfortunate victory to a certain extent. It should not have been this way in the first place."



Special to FLORIDA TODAY

ST. CLOUD crews remove the 13-by-13-foot lighted wooden Greek cross from the city's 130-foot water tower Friday because of a town council vote.

Representatives of American Atheists Inc., a Texas-based group founded by activist Madalyn O'Hair, declared their support for the ACLU action and offered to help.

Geraldine Pewitt, a St. Cloud resident who attended the council meeting, criticized the vote as "a rash decision ... unfair to taxpayers who want the cross."

The battle should continue even if it is "to beat the ACLU at their own game," said Councilman Bob Barnett, who joined Howse in voting against taking down the cross.

Keiner said the ACLU would remain vigilant "to see that the city of St. Cloud does not intend to resort to some other devious method and erect something else in its place that could portray religion in a different way."