

The New York Times- Obituary

By KATIE ZEZIMA - Published: December 1, 2003

Raymond J. Pettine, 91, Judge in Rhode Island Prison Case, Dies

BOSTON, Nov. 25 — Judge Raymond J. Pettine, a federal judge in Rhode Island whose rulings in several prominent cases included ordering an overhaul of the Rhode Island prison system and banning a Nativity scene on public property, died on Nov. 17 in Dallas. He was 91.

Judge Pettine, who was appointed to the Federal District Court of Rhode Island in 1966, was best known for his rulings reaffirming civil liberties for individuals and separation of church and state. In 1977, three years after state inmates filed a suit claiming their living conditions were unconstitutional, Judge Pettine took an unannounced tour of the prison and then ruled that inmates were living among rats and cockroaches in conditions that would "shock the conscience of any reasonable citizen."

In 1980, he ruled that a gay student had the right to take a male escort to the prom. The student had filed suit after the principal denied his request for the date.

"To rule otherwise would completely subvert free speech by granting other students a `heckler's veto,' " Judge Pettine wrote. "The First Amendment does not tolerate mob rule by unruly schoolchildren."

In December 1981, Judge Pettine became embroiled in a controversy when he ruled that the City of Pawtucket could not display a Nativity scene on public land because it violated the separation of church and state. The ruling was overturned by the Supreme Court in 1984.

He was a supporter of abortion rights, notably striking down the state's anti-abortion statute, passed after the Roe v. Wade decision, deeming unconstitutional the state law's provisions that excluded abortions from health plans and required a husband's consent.

"He truly was one of the most devout Catholics I have known," said his daughter, Lydia Gillespie. "But he was able to separate his beliefs from the dictates of the Constitution."

Judge Pettine forced the restructuring of Brown University's athletics program, ruling in 1995 that the university did not provide equal opportunities for women in athletics, violating Title IX of the Education Amendments of 1972. The ruling was upheld by an appellate court.

"He was one of the great romantic judges," said Burt Neuborne, a New York University law professor who as an American Civil Liberties Union lawyer brought a series of cases before Judge Pettine in the early 1970's.

Mr. Neuborne added that Judge Pettine was among the judges who had a "grand conception" of "what the possibilities of American justice were and what their role was in helping achieve individual liberty and equality."

Raymond Pettine was born in Providence on July 6, 1912. His father, an Italian immigrant, was a wigmaker; his mother, a milliner. He attended Providence College and received a degree from

Boston University Law School in 1940. The next year he enlisted in the Army, serving on active duty until 1946 and in the Reserve, where he attained the rank of colonel, until 1966.

Judge Pettine spent much of his law career in the Rhode Island attorney general's office. He was appointed a United States attorney in 1961, a post he held until becoming a judge. He served as the district court's chief judge from 1971 to 1982, when he took senior status. He retired from the bench after a stroke in 1996, and moved to Dallas, where his daughter lives.

Judge Pettine is survived by his daughter, Mrs. Gillespie, of Dallas, and a granddaughter. His wife, Lidia Golini Pettine, a former ballet dancer, died in 1988.