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JOE COOK  
EXECUTIVE DIRECTOR

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STAFF ATTORNEY

December 15, 2006

New Orleans District Attorney's Office  
Attn: District Attorney Eddie Jordan  
1340 Poydras Street, Suite 700  
New Orleans, La 70112

**Via: Certified Mail No. 7000 0600 0024 1941 2903**  
**Facsimile to (504) 571-2846**

**Re: "Gretna Bridge Incident" Public Records Request**

Dear Mr. Jordan:

As we discussed a few months ago, the ACLU remains extremely concerned over the investigation into the "Gretna bridge incident." Because your office has had the report from Attorney General Foti since July and has failed to initiate any prosecution or make the results of any investigation public, it appears that you do not plan to pursue criminal charges against any of the individuals involved. We remain extremely troubled that there has been no public release of the investigation or any action taken against those involved.

It has now been 15 months since the incident. The situation remains a matter of intense public concern and extremely troubling to many people, especially those directly affected. The public has a right know what has transpired and what the legal implications are. Keeping the AG's investigative report secret fails to serve the public good. Transparency is a hallmark of democracy, and people cannot freely govern themselves without it.

Therefore, pursuant to the Louisiana public records act, La. Rev. Stat. § 44:1 et seq., and Louisiana Constitution Art. 12, § 3, I request that you produce copies of the following documents:

**Any and all documents, in whatever form they may exist, in the possession of the attorney general's office pertaining in any way to the blockade of the Crescent City Connection, also known as the Gretna bridge incident, that occurred on or around Wednesday, August 31, 2005, including, but not limited to, any documents generated or obtained in the course of investigating the incident**

If you choose to deny this request in whole or in part, you have a legal obligation to provide a written explanation for that denial, including reference to the specific statutory exemptions upon which you rely. Also, please provide all segregable portions of otherwise exempt material.

You have previously verbally indicated that you would refuse to turn over these documents because they involve an ongoing criminal investigation. Please be advised that the

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Louisiana Public Records Act only exempts "records pertaining to pending criminal litigation or any criminal litigation which can be reasonably anticipated." La R.S. 44:3.

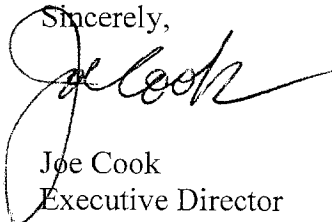
At this point it does not seem reasonable to anticipate litigation, as your office has failed to initiate any charges on an incident that occurred over 15 months ago. Please note also that you are not exempted from disclosing the records simply because your office has "not closed its investigation." For documents that are related to a criminal case to be shielded from disclosure, the criminal litigation must either be formally instituted, or the district attorney must state "that it is probable that arrest will be made and formal accusation will be instituted." *Nix v. Daniel*, 669 So.2d 573 (La.App. 1 Cir. 1996), writ denied 681 So.2d 360 (La. 1996)

Because disclosure of these documents is in the public interest, I request that any fees for copying and postage be waived. If this request for a waiver is denied, please advise me if fees for complying with this request are expected to exceed \$100.00.

As required by state law, please respond to this request within three business days; otherwise, we reserve the option to enforce our legal right to access public records.

Thank you in advance for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Cook", written in a cursive style. The signature is positioned above the printed name and title.

Joe Cook  
Executive Director