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MARJORIE R. ESMAN
EXECUTIVE DIRECTOR

October 22 2010

OPEN LETTER CONCERNING REGULATION OF HALLOWEEN
via fax (225) 686-1972 and regular mail

Mr. Michael Grimmer
Parish President
Post Office Box 427
Livingston, LA 70754

Mr. Albert "Buddy" Mincey
10961 Hwy. 1033
Denham Springs, LA, 70726

Mr. Randall Rushing
31200 Weiss Rd.
Walker, LA, 70785

Mr. Don Wheat
27179 S. Satsuma Rd.
Livingston, LA, 70754

Mr. Jimmie McCoy
37375 La. Hwy. 16
Denham Springs, LA, 70726

Mr. Thomas Watson
12395 Lakeland Dr.
Walker, LA, 70785

Ms. Cindy Wale
9417 Prince Charles
Denham Springs, LA, 70726

Mr. Ronald L. Sharp, Sr.
29946 Hwy. 444
Springfield,, LA, 70462

Mr. Marshall H. Harris
704 Tom Dr.
Denham Springs, LA, 70726

Mr. Eddie Wagner
32290 Pea Ridge Rd.
Albany, LA, 70711

Dear Members of the Livingston Parish Council:

The ACLU of Louisiana has learned that Livingston Parish has adopted an ordinance, Section 11-10, that regulates the time and date of trick-or-treating, specifying a time period and a date during which "trick or treat" will be held. Section 1-8 of the Livingston Parish Code of Ordinances provides a penalty of a fine of no more than \$500 or up to 30 days in jail for a violation of this provision. In other words, a resident of unincorporated Livingston Parish who chooses to take children trick-or-treating outside the specified time periods risks jail time for doing so.

This letter is to advise you that regulations of this sort violate the First Amendment of the Constitution of the United States and Article I, Section 9 of Louisiana Constitution, both of which provide for rights of free assembly. Neither Livingston Parish nor any other governmental body may prohibit anyone from ringing someone else's doorbell at any time for any legitimate purpose, nor may the government prohibit anyone from giving "treats" to visitors at any time. Simply put, the residents of Livingston Parish have the Constitutional right to ring doorbells on any date they choose asking for treats, and have the right to receive visitors and give them treats at any time.

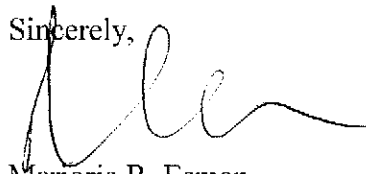
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Halloween is a part of a long religious tradition, both Celtic and Christian. Linked with the November 1 commemoration of All Saints' Day, it is a reflection of a religious respect for the dead. For many, the date of Halloween cannot be altered any more than can the date of Christmas, because it is a religious event. I'm sure you know that the First Amendment of the U.S. Constitution, as well as Article I Section 8 of the Louisiana Constitution, prohibit any government interference in the free exercise of religion – and that includes regulating the date on which a religious event is commemorated. No one in Livingston Parish should fear jail time for honoring a religious holiday on its officially designated date.

As elected officials, you have sworn to uphold the laws of the United States and of the State of Louisiana. Those laws include the obligation to respect the right to visit homes at the time and for the purpose of an individual's choosing, and to celebrate religious holidays without fear of prosecution. We urge you to repeal Section 11-10 of the Livingston Parish Code of Ordinances and, if it is not possible to do so before October 31, 2010, to issue a proclamation banning the enforcement of that provision until repeal.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marjorie R. Esman', with a long horizontal flourish extending to the right.

Marjorie R. Esman
Executive Director