

P.O. BOX 56157
NEW ORLEANS, LA 70156
P: 504-522-0617
F: 888-533-0911

MARJORIE R. ESMAN
EXECUTIVE DIRECTOR

April 5, 2011

BY FAX 318-473-6670
and regular mail
Ms. Angie M. Richmond
Parish Secretary
Rapides Parish Police Jury
701 Murray Street
Alexandria, LA 71309

Re: Open Letter/Public Records Request

Dear Ms. Richmond:

News reports in the *Alexandria Town Talk* and other outlets report that on April 4, 2011 members of the Rapides Parish Police Jury voted to authorize the display of the Ten Commandments in the Rapides Parish Courthouse. This action was taken despite the advice of counsel Tom Wells, who is reported as saying: "I know this is important to a lot of people, but my general opinion would be that this is inappropriate legally." *Despite counsel's warning, Rapides Police Jury OKs displaying Ten Commandments in courthouse*, <http://www.thetowntalk.com/apps/pbcs.dll/article?AID=2011104050311>.

The American Civil Liberties Union of Louisiana, concerned about government intrusion into religious matters that are properly left for individuals and families, seeks information about the proposed display. Therefore, pursuant to the Public Records Act of Louisiana, R.S. 44:1 *et seq.*, we request copies of the public records described below. For purposes of this request, the term "**documents**" includes, but is not limited to, any memoranda, letters, drawings, electronic mail or "e-mail," handwritten, typed, or electronic notes, recordings of any kind and in any form (video, audio, digital, etc.)

1. Any and all minutes, recordings, and other documents reflecting the meeting held on April 4, 2011 at which the proposed Ten Commandments display was approved.
2. Any and all documents presented or submitted to the Police Jury or any of its members during or in anticipation of the April 4, 2011 meeting concerning the proposed Ten Commandments display or any other religious display. This includes but is not limited to memoranda from Tom Wells or any other attorney, as well as plans for the proposed display.
3. Any and all other documents that relate in any way to the proposed Ten Commandments display.

Under the provisions of R.S. 44:32, if you raise a question as to whether any of the records requested is a public record, you are required to notify in writing the person making the request of your determination and the reasons, including the legal basis therefor. Notice shall be made within three days of the receipt of the request, exclusive of Saturdays, Sundays and legal public holidays. If you claim exemption for a record or records under the Public Records Act, or

any other statute, include for each record the section of law under which exemption is claimed and your reasons for believing the statute is applicable to the record.

Under the provisions of R.S. 44:33, if the public record is not immediately available, you are required to certify this in writing promptly, and in your certificate fix a day and hour within three days, exclusive of Saturdays, Sundays and legal public holidays, for the exercise of the right granted in the Public Records Act.

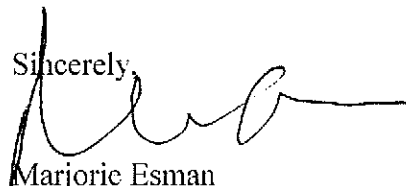
Under R.S. 44:34, "If any public record applied for by any authorized person is not in the custody or control of the person to whom the application is made, such person shall promptly certify this in writing to the applicant, and shall in the certificate state in detail to the best of his knowledge and belief, the reason for the absence of the record from his custody or control, its location, what person has custody of the record and the manner and method in which, and the exact time at which it was taken from his custody and control. He shall include in the certificate ample and detailed answers to inquiries of the applicant which may facilitate the exercise of the right granted by this Chapter."

If you are invoking R.S. 44:34 to deny this request, please answer the following questions in detail.

1. Is a copy of the requested public record usually located in your office?
2. Why is your copy of the requested public record absent from your office?
3. Where is your copy of the requested public record?
4. Who has received a copy of the requested public record?
5. How and from whom did the present custodian gain control of your copy of the requested public record?
6. What was the exact time your copy of the public record was taken from your custody and control?
7. When will your copy of the requested public record be returned to your office?
8. Is there any other public official who has a copy of the requested record?
9. What is/are the name(s) of anyone who has a copy of the requested public record?
10. What is/are the location(s) where the public record can be viewed?
11. What are the hours and dates when the requested public record can be viewed?

Please contact us at the number above when the requested materials are ready to be mailed. We request that any and all documents be produced in electronic form. This request includes any documents that are in paper form but that can be scanned to electronic form, as well as digital copies of any recordings. For those documents that cannot be produced in electronic form, if the cost of copies does not exceed \$50.00, proceed without further approval and send us an invoice with the records; otherwise, call to advise and gain approval to proceed. As you are aware, failure to abide by the Public Records Law may result in certain penalties and the award of attorney's fees. We trust that you will comply without the necessity of any further action on our part.

Sincerely,



Marjorie Esman
Executive Director