

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

MARILYN MARIE MONTEILH,  
Plaintiff,

VERSUS

SCHOOL BOARD OF ST. LANDRY  
PARISH,  
Defendant.

\* Civil Action  
\* No. 65-10912  
\*  
\* April 28, 2008  
\* 11:00 a.m.  
\* Lafayette, Louisiana

\* \* \* \* \*

TRANSCRIPT OF STATUS CONFERENCE  
BEFORE THE HONORABLE TUCKER L. MELANCON,  
UNITED STATES DISTRICT JUDGE.

APPEARANCES:

For the Plaintiff: Mr. Marion Overton White  
Law Office of Marion Overton White  
511 East Landry Street  
Opelousas, Louisiana 70570

For the Defendant: Mr. Adam Gerard Caswell  
Attorney at Law  
Post Office Box 1600  
Eunice, Louisiana 70535

For the United States  
of America: Ms. Lisa M. Taylor  
Mr. Franz Marshall  
U.S. Department of Justice  
Civil Rights Division  
601 D Street NW  
Washington, DC 20580

and

Ms. Katherine W. Vincent  
U.S. Attorney's Office  
800 Lafayette Street, Suite 2200  
Lafayette, Louisiana 70501

## ALSO PRESENT:

Members of the St. Landry Parish School Board

Mr. Michael Nassif, Superintendent

Mr. Joe Cassimere, Assistant Superintendent

Mr. Rusty Moody,  
Assistant Superintendent of Operations

Ms. Claudia Blanchard,  
Director of Curriculum

Mr. Joe Olivier,  
Director of Personnel

Mr. Clifton Carmon,  
Director of Federal Programs

Mr. Joseph Guillory,  
Director of Special Education

Mr. Randy Manuel,  
Director of Finance

Mr. Edward Brown,  
Supervisor of Child Welfare and Attendance

Mr. Francis Richard, Principal

## COURT REPORTER:

Marie Moran Runyon, RMR, CRR  
Federal Official Court Reporter  
U.S. Courthouse, Room 4212  
300 Fannin Street  
Shreveport, Louisiana 71101  
Phone: (318) 222-9203

PROCEEDINGS PRODUCED BY MECHANICAL STENOGRAPHY AND TRANSCRIBED  
BY COMPUTER.

1 (Court called to order at 12:56 p.m.)

2 THE COURT: All right. The next matter before the  
3 Court today is Civil Action No. 65-10912, Monteilh versus the  
4 St. Landry Parish School Board.

5 On April the 4th, 2008, the Court received a  
6 telephone call from the St. Landry Parish School Board  
7 attorney, A. Gerard Caswell. Mr. Caswell advised the Court  
8 that he had been instructed by unanimous vote of all school  
9 board members present at the April 3, 2008, school board  
10 meeting to request that the Court meet with Superintendent  
11 Michael Nassif, School Board President John Miller, School  
12 Board Vice-President Kyle Boss, and him, the purpose of the  
13 proposed meeting being to discuss the status of South Street  
14 Elementary and its inclusion in a list of schools whose  
15 principals the school board previously authorized  
16 Superintendent Nassif to transfer at the beginning of the  
17 2008-2009 school year to comply with the oral order of the  
18 court given at the January 23, 2008, on-the-record status  
19 conference which all members of the St. Landry Parish School  
20 Board attended.

21 By order dated April 11, 2008, the Court denied the  
22 request to meet and ordered that the 13 members of the  
23 St. Landry Parish School Board be present in open court on the  
24 28th day of April, 2008, at 11:00 a.m., in order for the Court  
25 to assign the principals for the 2008-2009 school year

1 consistent with the Court's oral order at the January 23 status  
2 conference. The Court further ordered that a copy of pages 20  
3 through 23 of the transcript of the January 23, 2008, status  
4 conference be attached to the original of the Court's April 11  
5 order and the clerk of this court by United States mail send a  
6 copy of the order with the attached transcript to each school  
7 board member, and further ordered that each member of the  
8 school board read page 20, line 2, through page 23, line 6, of  
9 the transcript excerpts.

10 Now, I also ordered that the school board, school  
11 system, place a copy of the entire transcript of that hearing  
12 on the school board's web site. That is a continuing order for  
13 any conferences that I have on the record with the school  
14 board, and I so order it on this one, Superintendent Nassif,  
15 and I want that to be placed on the school board web site  
16 forthwith.

17 Now, I'm going to go ahead at this time and ask that  
18 the attorneys in the case, starting with the lawyer for the  
19 original plaintiff, then the government lawyer, then the school  
20 board lawyer, to identify themselves for record purposes.

21 MR. WHITE: Good evening, Your Honor. Or good  
22 afternoon. Marion Overton White, for the original plaintiff.

23 MS. TAYLOR: Good afternoon, Your Honor. Lisa  
24 Taylor, representing United States of America.

25 MR. MARSHALL: Good afternoon, Your Honor. Franz

1 Marshall, for the United States.

2 THE COURT: Mr. Marshall, it is an honor that you  
3 grace this courtroom's presence again, and our state. I want  
4 to thank you yet again on the record, publicly, as the Deputy  
5 Chief of the Educational Opportunities Section of the United  
6 States Department of Justice, Civil Rights Division, for being  
7 here, for the interest you've shown in this case over the last  
8 number of years, and for what you've done for our state not  
9 only in this case and in Evangeline Parish, the cases I preside  
10 over, but in the numerous cases across our state and across our  
11 country to help in some small way erase our nation's original  
12 sin that flowed from slavery. I thank you so much for being  
13 here.

14 MR. MARSHALL: Thank you, Your Honor.

15 MS. VINCENT: Your Honor, also for the United States,  
16 Katherine Vincent, and I'm in the U.S. Attorney's Office.

17 THE COURT: Now --

18 MR. CASWELL: Excuse me, Your Honor.

19 THE COURT: Mr. Caswell, I apologize.

20 MR. CASWELL: Not a problem. Afternoon. Gerard  
21 Caswell, on behalf of the St. Landry Parish School Board.

22 THE COURT: First of all, I don't want each of the  
23 school board members to identify themselves again, in an effort  
24 to save time, but, Mr. Miller, I ask you, as president of the  
25 board, are all 13 members of your board here?

1 MR. MILLER: Yes, Your Honor, they are.

2 THE COURT: Thank you. And I note, because I  
3 recognize him, seated next to counsel, that the superintendent  
4 is here, and I'd ask the superintendent to identify those  
5 members of his senior staff that are here, very quickly, for  
6 the record.

7 SUPERINTENDENT NASSIF: Thank you, Your Honor. To my  
8 left is Joe Cassimere, Assistant Superintendent; Mr. Rusty  
9 Moody, Assistant Superintendent of Operations; Ms. Claudia  
10 Blanchard, Director of Curriculum; Mr. Joe Olivier, Personnel;  
11 Mr. Clifton Carmon, Director of Federal Programs; Mr. Joseph  
12 Guillory, Director of Special Education; and Mr. Randy Manuel,  
13 Director of Finance.

14 THE COURT: I see, also, Mr. Brown, a person I  
15 perceive to be Mr. Brown. Would you state his name and  
16 position for the record.

17 SUPERINTENDENT NASSIF: I'm sorry. Mr. Edward Brown,  
18 Supervisor of Child Welfare and Attendance.

19 THE COURT: I want him here at all these meetings,  
20 but he's here for a special item that I have to discuss here  
21 today that we will get into in due course.

22 Now, I'm going to ask this question. It will be  
23 directed to the members of the school board, and I want you to  
24 answer individually. It's one question addressed to all of  
25 you. Did each of you -- and if you were not able to or for

1 whatever reason you did not, but did each of you read a copy  
2 from the transcripts of our January 23 status conference? That  
3 would be page 20, line 2, through page 23, line 6, that was  
4 attached to the order that set this hearing today. If any one  
5 of you did not, please raise your hand.

6 (No response.)

7 THE COURT: The record should reflect that no one  
8 raised his or her hand. I then must assume that each of the  
9 members of the St. Landry Parish School Board did as ordered  
10 and read the transcripts.

11 I am going to go ahead and take the time, because I  
12 think it's important, I think it's very important, and I am --  
13 although some of you may disagree, I'm not one for hyperbole,  
14 and it may be that I misspeak, but I cannot remember a more  
15 important meeting with this school board or the previous, now,  
16 I think, three school boards that I've had the opportunity to  
17 deal with in this case, so I'm going to take the time to read  
18 this. And my hope is that whoever didn't understand, if  
19 anybody did not -- and I trust that's the case rather than  
20 something else -- who did not understand will understand or at  
21 least have the opportunity to understand. And I don't suspect,  
22 but I don't know for sure, maybe some people can't understand.

23 And, again, before I start on that transcript, the  
24 entire reason for me getting these transcripts to be placed on  
25 the record of the web site of the school board is so anybody,

1 any citizen of St. Landry Parish or anyone else, can read what  
2 goes on here. We've got -- I don't know if we've got 70 people  
3 here, or thereabouts. We've got a pretty full courtroom. But  
4 that's just a smidgen, a small, small number of the people who  
5 live in St. Landry Parish and who are going to be affected by  
6 what I have to do here today. They have a right, an absolute  
7 right to know it exactly. And although our friends in the  
8 press do the absolute best job they can, this needs to be  
9 unfiltered for those people who have the desire and the  
10 opportunity to use a computer to go read it.

11 Now, I'm going to start from the transcript at  
12 page 20, line 2. This is the Court speaking. I'm going to ask  
13 the school board members -- I've given them a copy. I want  
14 them to follow along as I read so we're all on the same page.  
15 This is line 2:

16 "THE COURT: All right. Well, I can't  
17 wait to see how that's going, and I'm sure  
18 the government will look on that with  
19 interest, too, but to go back to where you  
20 were headed. . ."

21 I'm addressing Ms. Lisa Taylor at that time. And what I said  
22 up until this point has nothing to do with what I'm about to  
23 read.

24 ". . . [T]his issue of principals, now this  
25 was one that very candidly -- and the  
26 school board should remember it. It's in  
27 the record here.

28 "I told them two conferences ago or  
29 three conferences ago that we had gotten  
30 the easy Green factors out of the way. The  
31 heavy lifting -- my words -- were these



1 other Green factors, the most difficult  
2 being the student assignment and  
3 facilities, but these other ones are a lot  
4 more difficult than transportation and  
5 extracurricular. These are the ones that  
6 usually, you usually knock off first.

7 "Part of the heavy lifting was you  
8 have in your Parish, based on the  
9 government's assertions and the information  
10 that's been submitted to the Court,  
11 African-American principals or Caucasian  
12 principals at schools that have been  
13 historically African-American or  
14 historically African-American or Caucasian  
15 schools.

16 "And I made the point -- I said this  
17 in this courtroom. It does not matter that  
18 you may even have more African-American  
19 principals than you have Caucasian  
20 principals because it was real close and  
21 it's been back and forth maybe. The idea  
22 is if you have African-Americans at  
23 historically African-American schools and  
24 Caucasians at historically Caucasian  
25 serving as principals, that's against the  
law, period.

16 "Now, Ms. Taylor, have I said that as  
17 succinctly as I could or succinctly  
18 enough?"

16 Ms. Taylor's reply:

17 "Yes, Your Honor."

18 Then I ask Ms. Taylor:

19 "Have I misstated the government's  
20 view and the original plaintiff's view?  
21 Have I misstated what the government's view  
22 and the original plaintiff's view is?"

21 "MS. TAYLOR: No, you have not, Your  
22 Honor.

22 "THE COURT: And this is an issue that  
23 we have been discussing for about two  
24 years, and we were trying to give the  
25 school system the opportunity to get  
through a few other issues before we came  
down to the principal issue. Isn't that  
true."

1 Ms. Taylor's response:

2 "Yes, Your Honor. And, in fact, given  
3 that we're taking such a long -- they're  
4 taking such a long time, it may be in the  
5 interest of justice for the United States  
6 to pick the principals and where they  
7 should be assigned. We are reluctant to do  
8 that because we expect the administrators  
9 to know what's best for their school  
10 system, but if they fail to do so, then we  
11 can do that for them.

12 "THE COURT: Let me tell you what.  
13 This is another order, Mr. Nassif,  
14 Superintendent Nassif. I'm going to order  
15 you to go through your roster of  
16 principals, to consult with Mr. Caswell and  
17 whatever other members of your senior  
18 staff, and you go ahead and you place the  
19 bodies that will be compliant with the law  
20 that makes the most educational sense.

21 "The first thing you've got to be is  
22 constitutional. The next thing you've got  
23 to do is to make sure that it makes  
24 educational sense, and then make sure  
25 Mr. Caswell, in his view, that it meets  
26 constitutional muster. You and your senior  
27 staff figure out who ought to go where and  
28 then you make that recommendation to this  
29 board. If you can't get seven votes, I'll  
30 let Ms. Taylor do it. They'll pick the  
31 principals for the school board if they  
32 want to sit on it, if they don't have the  
33 guts to do what the law calls for.

34 "But I want that done, Superintendent  
35 Nassif. I want that to be presented to the  
36 board at its March meeting so that the  
37 principals for next year will know where  
38 they're going to be, and if they don't like  
39 it, they can't take the change or if it's  
40 too much of a change at the stage of their  
41 career and they want to retire, they can  
42 let you know hopefully timely enough and  
43 you can get other principals if that's what  
44 it takes.

45 "Now, you know, I said something at  
46 the last meeting here on December 6<sup>th</sup>. I  
47 hate it. And those of you on the school  
48 board who have gotten to know me over the  
49 last seven years, you know this isn't the

1 way I've operated in this case even though  
2 I've been accused of being high-handed and  
3 a bunch of other things by a lot of folks,  
4 but, by God, enough is enough. It's over  
5 with. If y'all can't do it, I'm going to  
6 do it.

7 "And like I said at the last meeting,  
8 this is back to the future. We're going  
9 back to the '70s, what federal judges had  
10 to do in school board cases and  
11 desegregation cases. You want to see?  
12 I'll show you. If you can get seven of you  
13 to go vote to appeal, go appeal and spend  
14 about 18 months and how many thousands of  
15 dollars paying Mr. Caswell and come back  
16 here and then do what I told you to do.  
17 You can do that because this is not new  
18 law. This is hornbook stuff. This is  
19 stuff that most of the rest of the country  
20 can't even believe is going on anymore. I  
21 mean, I don't understand."

22 Now, I said at the last meeting on January 23 that I  
23 was frustrated. I want you all to know now, I'm no longer  
24 frustrated. I'm in kind of a state of disbelief. But that's  
25 okay. I know what I've got to do and I'm going to do it.

Now, the transcript that I just read -- and I'm going  
to ask this of the members of the school board collectively  
again. Does anybody on the school board not remember that, in  
my courtroom right next door, what I just read to you is  
exactly what I said on January 23? Because if you don't  
remember that, I want you to raise your hand for me.

(No response.)

THE COURT: The record should reflect that nobody  
raises his or her hand.

Now, Mr. Caswell, I'm going to ask this of you: If

1 you would, would you tell me for the sake of the record what it  
2 is that you did after I ordered Superintendent Nassif to do as  
3 I just indicated from the transcript that I did about the  
4 principal assignment; in other words, what you did, what  
5 Superintendent Nassif did, what the school board did, and what  
6 you may have represented to the Court about what had been  
7 accomplished. And if you would, come to the lectern so we can  
8 all hear you and make sure everybody --

9 MR. CASWELL: Yes, sir, Your Honor. Following our  
10 last meeting here in court in January, in fact, the very next  
11 day -- before we left the courtroom, actually, that day, I told  
12 Mr. Nassif, "If you have time on your calendar tomorrow  
13 morning, let's sit down and address this principal issue  
14 immediately." He came and met with me. We began discussing  
15 the schools that had been identified in court on that day  
16 before, discussing --

17 THE COURT: For the sake of the record, because I  
18 didn't read the whole transcript, but I think -- I mean, there  
19 was a question that was posed that said -- well, I've forgotten  
20 how it came up, but the record is the record and it's on the  
21 school board's web site if anybody wants to go back and check  
22 exactly what I said or what was said to me in response. But it  
23 was like: Well, how do we know which schools? Or something.  
24 And I said, "Well, I can name two of them right now." And I  
25 think I said Krotz Springs and I think I said Arnaudville. I

1 mean, that jumped out at me. I wasn't trying to make it an  
2 all-inclusive list by any means, but those were like, Duh.  
3 Yeah. Okay. We all know that. And I wouldn't suggest there  
4 weren't any other duhs out there, but, okay, I knew them.

5 MR. CASWELL: In effect, Arnaudville, Krotz Springs,  
6 and Creswell were named and, obviously, that's where Mr. Nassif  
7 and I started our discussions. I then contacted Ms. Taylor  
8 with the Department of Justice and began having negotiations  
9 with her relative to which schools the Justice Department might  
10 have viewed as schools that should be changed, principals  
11 changed. We discussed back and forth. I got back with the  
12 administration, and then a list of schools was arrived at.

13 And instead of presenting at the March meeting,  
14 because we were able to do it prior to the February meeting,  
15 Mr. Nassif and I met with the school board in executive session  
16 to have discussions concerning that. The end result following  
17 that executive session that took place at the February board  
18 meeting was that the board voted to authorize Mr. Nassif to  
19 make the principal changes he deemed necessary. The exact  
20 schools were discussed. The board then voted unanimously --  
21 the schools were discussed in executive session, not in open  
22 session. In open session, Mr. Nassif was authorized to make  
23 the moves, and the vote was unanimous.

24 I confirmed with Ms. Taylor that Justice Department  
25 was in agreement with the five schools that we named. The five

1 schools that we named were Arnaudville, Krotz Springs,  
2 Creswell, South Street, and who am I forgetting? North  
3 Elementary. Thank you.

4           Again, the board voted unanimously on that. I got  
5 with Ms. Taylor at Justice Department. We were in agreement  
6 that those five schools would in fact have the principals at  
7 those schools changed from whatever race they were current to  
8 the opposite race beginning the next school year or at the  
9 conclusion of this school year. And that's pretty much the  
10 chronology, Your Honor. And, of course, I represented that to  
11 you. I contacted you after it was done.

12           THE COURT: You called me on the telephone, didn't  
13 you?

14           MR. CASWELL: Yes, sir.

15           THE COURT: And while I couldn't see your face, I  
16 could feel your smile on the phone because, gee, Judge, we beat  
17 it by a month.

18           MR. CASWELL: Yes, sir.

19           THE COURT: They got the message or something. You  
20 didn't say that. I took it to mean you were just tickled pink.

21           MR. CASWELL: I was pleased.

22           THE COURT: All right. All right, thank you, sir.

23           Now, Ms. Taylor, from the government's perspective,  
24 is that pretty much how we were at least going into whenever it  
25 is we took a detour?

1 MS. TAYLOR: Yes, Your Honor. I can't -- I mean, I  
2 would assume what Mr. Caswell said is correct about his  
3 process. And, in fact, we did identify the five schools in  
4 question, with Mary Miller coming from Krotz Springs to South  
5 Street Elementary, Matt Scruggins going from Arnaudville to  
6 north elementary, Mr. Jerome Robinson from North Elementary to  
7 Krotz Springs Elementary, Ms. Elsie Semien from South Street to  
8 Arnaudville.

9 We were aware that Mr. Moore was to be moved from  
10 Creswell Elementary, but we were not aware of the location.  
11 And we have already discussed this with the school district,  
12 and we will object to the movement of Mr. Moore from Creswell  
13 to the alternative school.

14 THE COURT: All right. Now, let me ask you this:  
15 You say you've already discussed it with the district. I take  
16 that to mean -- I know we had a discussion this morning.

17 MS. TAYLOR: Yes, Your Honor.

18 THE COURT: That's when this came about. I mean,  
19 because you -- same time or right approximately the same time  
20 you advised the Court that you would have this objection,  
21 because we're not doing anything with Mr. Moore because we're  
22 moving him from what's been a historically African-American  
23 school to what is a majority African-American school, and, hey,  
24 that dog doesn't hunt.

25 MS. TAYLOR: That's correct, Your Honor.

1 THE COURT: And when Mr. Caswell reminded me, when I  
2 said, I just did the duhs about Krotz Springs and Arnaudville,  
3 he said you also mentioned Creswell. Well, that would make a  
4 whole lot of sense, because -- and some of the school board  
5 members may not know this. Some of them have -- maybe they  
6 believe it now but for a long time did not believe it. But it  
7 should be said, and to his great credit, and God rest his soul,  
8 Lanny Moreau, the previous superintendent, it was at his  
9 strong, strong urging that Creswell and Park Vista, even though  
10 they're a stone's throw away from each other, both schools be  
11 maintained because he felt, and history has proven him correct,  
12 that Park Vista has been one of the best performing schools in  
13 the Parish. It had had a significant M to M transfer at that  
14 period before reorganization. The hope was, and I think it was  
15 Lanny Moreau's question to me, "Well, Judge, are we trying to  
16 integrate the school system or are we trying to -- what's the  
17 point?" And the hope was -- and he said, "This is how it will  
18 work, Judge. One year Park Vista is going to end up being a  
19 majority white school, the very next year, because of M to M,  
20 it's likely to go or very closely go to majority  
21 African-American. So the M to M transfer, it will mean -- when  
22 you reach that equilibrium, you'll have a flow of white  
23 students when they can get into one of the better performing  
24 schools in the years when the African-Americans are the  
25 majority, or the converse, African-Americans going to Park



1 Vista when the whites are the majority."

2           So to the great, Lanny's great credit, and also to,  
3 obviously, the administration at that school, and the teachers  
4 at that school, and the parents who got involved at that  
5 school, and God knows who else, support they got from the  
6 central office, despite whichever race or whatever proportion  
7 of what race to the other, it's still, in my view, and the  
8 latest information I had, one of the best schools in the  
9 Parish. And I think African-American or Caucasian, if you've  
10 got your kid in a public school system in St. Landry, you'd  
11 like to get your kid in that school.

12           And the reason I digress, because it's important that  
13 everybody understand it was because Superintendent Moreau said,  
14 "Let's do this, Judge." And I will say every member of the  
15 senior staff, every member of the senior staff, when we were  
16 all together or when I met with the only African-American  
17 members of the senior staff and with Mr. Franz Marshall, who  
18 graces us with his presence here today, that was a consensus.  
19 I wanted to make sure I understood. Now, the only promise,  
20 members of the school board, that Mr. Moreau made to  
21 Mr. Marshall and to me: "I'm going to get you the best  
22 principal I can get there at Creswell."

23           Now, I may be wrong about this, but I believe it was  
24 the first vote that he ever lost with the school board,  
25 Superintendent Moreau. May have been the second. But by 12

1 to zero, the lady -- I believe it was a lady -- who he wanted  
2 to transfer from Eunice to come be at that school so he could  
3 fulfill his commitment to the government and to the Court, the  
4 school board says, 12 to nothing, no. Now, whatever political  
5 machination, whatever other things got the school board to do  
6 that and give him his first or second defeat, that happened.  
7 My thought process at the time was, and I may have told  
8 Superintendent Moreau, "Well, by 12 to nothing, you need to go  
9 back to the well and get us the best you can get."

10           You will all remember -- I certainly remember -- we  
11 had Mr. Moore, who is a principal now who is the subject of  
12 some of this discussion here and this order and transferring,  
13 there was some acrimony about his appointment. He came, as I  
14 recall, from Rapides Parish. We had a hearing and I literally,  
15 you know, had an on-the-record interview. And I talked to him  
16 several times either before or since. Probably since. I don't  
17 remember exactly. And the school board, in its wisdom,  
18 followed Superintendent Moreau's recommendation and placed him  
19 in Creswell.

20           Now, that's the history that Ms. Taylor, that you-all  
21 may not have ever known or believed but that's a fact, that  
22 Ms. Taylor's talking about, well, at Creswell we didn't have  
23 a -- we're moving an African-American principal to a  
24 predominantly African-American school. You needed to know the,  
25 as Paul Harvey used to say, or still says, the rest of the

1 story there.

2 Nobody has consulted with me about this, until I got  
3 the request from or I got the notice from Mr. Caswell that, by  
4 gosh, the school board's going along with it, Judge, they  
5 understand, Nassif is making these recommendations. So  
6 whatever the recommendation was, I would still have to have  
7 passed on it. My inclination is generally if the Justice  
8 Department is okay with it, because their obligation is the  
9 same as mine and the same as yours, Ladies and gentlemen, to  
10 follow the Constitution, that, okay, I'm all right. We don't  
11 need to have a court hearing about everything you do to get rid  
12 of this other Green factor here.

13 At any rate, I remember the Creswell situation. I  
14 don't know what I would have done about the Creswell situation  
15 other than me getting this call from Mr. Caswell wanting to  
16 meet with the president and the vice-president and the  
17 superintendent and him. But that's water under the bridge,  
18 spilled milk, whatever. So we're there. But it's front and  
19 center on my radar, as it should have been or would have been.  
20 And it should be on the Justice Department's radar simply  
21 because of the history I just related about how we got Creswell  
22 and Park Vista still being two separate schools.

23 So, Ms. Taylor, if I could, with that history for the  
24 benefit of the school board, for everybody that's here, and  
25 anybody who chooses to read how we got here on the internet,

1 school board web site, what is the government's objection?

2 MS. TAYLOR: Thank you, Your Honor. The government  
3 is objecting to the transfer of Mr. Charles Moore from  
4 Creswell, which is a racially identifiable black school, to the  
5 alternative school, which is a racially identifiable black  
6 school, the reason being is that the purpose of this transfer,  
7 to begin with, was to address the dual assignment of  
8 principals, that is, a white principal assigned to a majority  
9 white school that's also not just majority, it's historically  
10 majority, and vice versa, a black principal assigned to a  
11 majority, historically majority black school. We believe that  
12 the proposals provided by the board for the other four schools  
13 do address those concerns, but that Mr. Moore's transfer will  
14 not. In addition to that, we have some concerns about  
15 Mr. Moore being transferred from Creswell Elementary, which is  
16 typically a traditional K through, an elementary school, to a  
17 nontraditional alternative school.

18 THE COURT: Well, I don't want to get in the  
19 business -- it looks like I'm getting ready to; I hope not, but  
20 maybe -- of saying who goes exactly -- micromanage the school  
21 system, because I'm not an educator, even though I taught  
22 school for two years. And not to contradict anything you just  
23 said, but I'm convinced that United States Marine Moore could  
24 acquit himself anywhere he was placed; however, it makes  
25 educational sense to me that why would you take somebody out of

1 the field in which he or she had been working just because he  
2 or she can, you know. But I understand. And I don't mean  
3 to -- Mr. Moore doesn't need me to defend him; he can do that  
4 for himself.

5 MS. TAYLOR: Your Honor, we're not -- obviously, we  
6 don't intend to be in the day-to-day business of the school  
7 administration. Our concern is to make sure that the  
8 principals are assigned in a manner that furthers  
9 desegregation, and we believe this assignment proposed does  
10 not.

11 THE COURT: What about all this hullabaloo about  
12 South Street Elementary? And that's Mrs. Semien who, I want to  
13 say, I received a letter from her, I received a request to  
14 speak to her, for me to speak to her by phone. I have not done  
15 so. I didn't think, one, it was appropriate. I think she's  
16 well-intentioned, but she's misguided, and -- under the law.

17 And if I understand -- and I want the Government to  
18 correct me if the Government understands it any differently, or  
19 Mr. White who, I think when I introduced him to somebody just  
20 this morning, the old lawyer or whatever who has been around  
21 here since the beginning of all this stuff, to correct me about  
22 the history of South Street Elementary.

23 There was a time when it was a white school. I  
24 believe that to be a fact. There was a time when the school  
25 board, when it was fighting the desegregation efforts of the

1 United States government with probably my predecessor once or  
2 two or three times removed, earlier judges who had this case,  
3 that the school board just closed it down. And then after  
4 that, the school was reopened, and since that time it's  
5 basically been a predominantly or almost total African-American  
6 school.

7 Is that the Government's understanding?

8 MS. TAYLOR: Yes, Your Honor.

9 THE COURT: Mr. Caswell, am I mispeaking in my  
10 understanding that's pretty much how it was?

11 MR. CASWELL: That's fairly accurate, yes, sir.

12 THE COURT: Mr. White, old -- warrior -- that you  
13 are, is that pretty much your understanding?

14 MR. WHITE: That's pretty much the understanding. I  
15 don't think it was ever closed down, but it reverted to an all  
16 black school.

17 THE COURT: It did not? I thought it literally  
18 closed down for a period of time.

19 MR. CASWELL: Three years.

20 MS. TAYLOR: It did for three years, Your Honor.

21 THE COURT: That's what I have. You don't recall  
22 that, but, I mean, if the record says that, you wouldn't  
23 dispute it, I suspect?

24 MR. WHITE: I wouldn't dispute it.

25 THE COURT: All right. Well, that's what I have. I

1 also have it was because the school board at the time was  
2 trying to fight the Feds, you know. Keep forgetting, and I  
3 hate this, but it's a great Earl Long quote to Leander Perez  
4 back in the day when the school boards were doing whatever the  
5 heck they could to thwart the Constitution and to keep us  
6 segregated in our state -- and Leander Perez, for those of you  
7 who don't know, and most of you probably don't know because  
8 you're not old enough -- many of you, if you were alive, you  
9 know. He was from Plaquemines Parish and he not only owned all  
10 of the parish, he owned all the politics down there. He may  
11 have been a -- I think he was a district judge. I may have  
12 that wrong. But he ran everything. And he was telling Earl  
13 Long that they were going to fight and they were going to win,  
14 and Earl Long in his way, and those of you who are old enough  
15 to have ever been in Earl Long's presence will know, you can  
16 imagine how he was and the way he said it, he said something to  
17 the effect, "Well, hell, Leander, don't you know they got the  
18 atomic bomb?"

19 Now, you know, it's hard for my colleagues around the  
20 country, ladies and gentlemen of the school board, and all the  
21 rest of you who are here, to believe this case is really still  
22 going on, that these type of issues -- I've got a visiting  
23 judge from Brooklyn who is here and I had dinner with him  
24 several times and we talked about this very issue. I mean,  
25 he's floored.

1           But at any rate, so as it relates to the South Street  
2 Elementary, the Court, based on the record that I have and the  
3 acknowledgements of the attorneys in this case from all  
4 parties, makes the specific factual finding that in light of  
5 its history and the way South Street Elementary got to be what  
6 South Street Elementary is in 2008, is that it is a  
7 historically black school, period, end of subject. It's a dead  
8 issue. And it should have been -- it should not have -- and  
9 Mr. Miller, I'm going to ask you in a few minutes to -- we're  
10 going to have a little discussion, you and I -- to let me know  
11 how in the world it was ever placed on the agenda in light of  
12 what I read here today, what I said here on January 23, what I  
13 thought the agreement was with all the school board, why it is,  
14 politically or otherwise, you in your role as president saw fit  
15 to let, in essence, the other 12 of your board members, in my  
16 view -- and again, I basically know what I read in the paper,  
17 but I read the transcripts -- to walk the cliff and get them to  
18 come here today and have to listen to Tucker Melancon yet one  
19 more time. But I've got several other things I want to ask you  
20 about, so you might be thinking about why it is you thought  
21 that was important to do.

22           Now, I'm going to go ahead and enter an order that  
23 will call for the transfer of these principals, with the  
24 exception of Mr. Moore. The order will further indicate -- and  
25 I make it verbal right now, Mr. Caswell, so I expect you to get



1 on it. I don't know what happens with Mr. Moore, but Creswell  
2 is a school that needs to be addressed. We need to get,  
3 because of the previous agreement, the reason Park Vista and  
4 Creswell are two schools, separate schools under the  
5 reorganization plan that I approved and the school board  
6 adopted 7 to 6, it needs to be the best, the best Caucasian  
7 principal that's available in that system. I don't care where  
8 he or she is now; they need to be placed in that school.

9 As it relates to Mr. Moore, he will not go to the  
10 alternative school. It will be in the wisdom of the  
11 administration and hopefully the further wisdom of the school  
12 board to follow whatever the administration says about where  
13 our best person at Creswell is so we can make Creswell as good  
14 a school as Creswell can be. And again, ladies and gentlemen  
15 of the school board, I say it again for emphasis: period, end  
16 of subject. I can't be clearer than that. If somebody doesn't  
17 understand what I just said, now is your chance to raise your  
18 hand and say, "Judge, I don't understand, would you say it  
19 again or explain to me what you mean."

20 (No response.)

21 THE COURT: Nobody raises their hand, the record  
22 should reflect, so I must assume everybody understands what I  
23 just said.

24 Now, let me tell you what else is going to happen,  
25 and this is important. Since Mr. Miller put it on the agenda

1 of the school board, since the school board by unanimous vote  
2 of everybody who was at that meeting said let's let Mr. Miller  
3 and Mr. Boss and Superintendent Nassif and Mr. Caswell meet  
4 with you, Judge, and I said no, I'll just do it in court, like  
5 I said in the transcript, I'll do it, get Ms. Taylor to tell me  
6 how to do it and then I'll do it, since it's been put on my  
7 plate, there are other schools now other than the five that I'm  
8 going to consider moving because of the historical racial  
9 makeup of the schools and the fact that some of them have  
10 always been and it's primarily -- primarily right now, maybe  
11 not exclusively -- all white principals forever and  
12 overwhelmingly white student bodies. I'm going to be  
13 addressing that.

14 I'm going to be asking Ms. Taylor for some  
15 suggestions, and there's -- I have -- there's no other way to  
16 say it. I just -- everybody on the school board knows where  
17 they are. And I expect Ms. Taylor to address that with me, and  
18 I expect her to submit a list to me and I will in turn submit  
19 that to Mr. Caswell for Mr. Nassif, Superintendent Nassif's  
20 consideration. If that needs to be discussed with Ms. Taylor  
21 before it goes to the school board for whatever educational  
22 reasons that Ms. Taylor may not be aware of, then she'll go  
23 ahead and she'll discuss it with him. And after that, whenever  
24 their issues are resolved -- and if the Court needs to get  
25 involved, the Court will with the lawyers; not with the

1 superintendent, but with the lawyers. And then after I resolve  
2 whatever issues that the lawyers couldn't, Mr. Caswell will  
3 give Superintendent Nassif that list and he'll present it to  
4 the school board. And the school board will either vote yes on  
5 that or, in their wisdom or lack thereof, will vote no, at  
6 which we'll have another hearing and we'll come back over here  
7 and, even though I don't want to do it, I'll do my job because  
8 yet again the school board wouldn't have been able or didn't  
9 have the guts to do their job under the Constitution of the  
10 United States of America.

11           So just know that. The can of worms has been opened.  
12 You've got the judge's attention now. And again, I -- I said  
13 something was self-serving. I read it in the transcript. This  
14 is not the way, despite whatever any of you on the school board  
15 have ever thought about Tucker Melancon for the last seven and  
16 a half, almost eight years now, anybody in the public in  
17 St. Landry Parish thought, that's not how I operate. I've  
18 always tried, always tried to let the board do what the people  
19 elected you to do and to comply with your oath, but those days  
20 are over. As I said earlier, and on the 23rd, enough is  
21 enough.

22           Now, next subject, and this is critical. This is the  
23 heavy lifting that I talked about. I've discussed this with  
24 the members of the board a number of times. There still seems  
25 to be some confusion, although I don't know why if when you

1 come to these meetings, members of the school board, you  
2 actually listen to what's going on. But some people don't seem  
3 to understand, and I only know that or suspect that or believe  
4 that because I do read the transcripts of your school board  
5 meetings and some of the things that you say, and it must be  
6 that you're not listening because I know everybody here is  
7 intelligent enough to understand and does in fact understand  
8 the English language. But some of the things you say don't  
9 indicate that from the record that I read.

10 But I about, and I'm going to say two years ago --  
11 maybe I'm off on that a few months, and forgive me if I am --  
12 appointed a bi racial committee equally divided between  
13 African-American and Caucasian, people who are residents of  
14 your parish, who know your parish well, who love your parish  
15 well, who I have great confidence in their not only integrity  
16 but their ability. And I appointed that committee, and that  
17 was during the days when I said we're on the 5 yard line now,  
18 don't drop the ball, we're in the red zone, we're on the 1 yard  
19 line, we're about to get it done. I wanted to assist the  
20 school board in getting that heavy lifting, those two terrible  
21 Green factors that remain, the ones that in almost any school  
22 system is very difficult, that of facilities and student  
23 assignment. And I said in this case several times that because  
24 of the geography of your parish, the size -- it's a big parish  
25 land-wise -- and the demographics, that is, where the people

1 actually live, students are, and the schools are physically  
2 located, as in most cases but in particular in the St. Landry  
3 Parish school system, the issue of student assignment and  
4 facilities are inextricably intertwined, that is, you can't  
5 solve the one without solving the other in a constitutional  
6 manner.

7           So my thought about appointing this committee that I  
8 did that is known only to the Court and now the Justice  
9 Department, not to the school system attorney, not to even the  
10 original plaintiff, and certainly not to anybody else, is to  
11 let's do what makes -- first of all, it's got to be  
12 constitutional, because that's my duty in this case. But, by  
13 the way, I really do care about your school system in your  
14 Parish. And some of you on that board I've gotten to know  
15 really well over the last seven and a half years, and I've  
16 chosen not to talk to any of you individually anymore because  
17 it was doing more harm than good.

18           But, frankly, while we're on that, I've been not only  
19 amazed by greatly disappointed in some of your public actions.  
20 I just don't understand. Now, maybe there's a logical  
21 explanation and if I were talking to you on a regular basis I  
22 would understand, but I truly don't understand based on our  
23 conversations previously.

24           This plan that I'm going to instruct -- well, what I  
25 did with the plan after I looked at it -- let me back up. I

1 got the plan from this committee. I looked at it. It made  
2 complete sense to me from a constant constitutional  
3 perspective, which, again, that's all Judge Melancon or any  
4 federal judge in any school desegregation case is supposed to  
5 care about. That sounds a lot harder than I mean it, but it's  
6 true. I'm not an educator. I'm never going to be an educator.  
7 I don't presume to know what's best for the educational system  
8 in St. Landry Parish. But that's not my duty.

9 My duty is to make sure that after 54 years, this  
10 may -- that after Brown vs. Board of Education, that the  
11 St. Landry Parish school system gets in compliance with the  
12 Constitution of the United States of America. That's the only  
13 duty I've got. If the schools are closed, if the school system  
14 goes to pot, that's not what I'm supposed to be concerned  
15 about. Terrible way to say that, but I do care. I care  
16 greatly.

17 I said at the last meeting not only to some of these  
18 people that are sitting at these tables, lawyers and school  
19 staff, school supervisory staff, some of these school board  
20 members, some of you out in the audience, I suspect, we've got  
21 thousands of man/woman hours in this trying to resolve this in  
22 an amicable way. It just hasn't worked. And I take  
23 responsibility for that because I'm captain of this ship. But,  
24 again, enough is enough.

25 And I got the plan, I sent it to Justice. Justice

1 looked at it, had some issues. They got back with the bi racial  
2 committee, citizens of your parish, equally divided, bi racial,  
3 and they tweaked it. And it's taken the Government -- and I've  
4 been prodding the Government, because a lot of people don't  
5 understand, why is it taking so long, what about this, what  
6 about that, but the Government had to do their due diligence,  
7 because, again, their obligation, same as mine, same as  
8 y'all's, defend the Constitution and laws of the United States,  
9 and they're not going to blink, just like I'm not. So they've  
10 gotten the plan today.

11 Mr. Marshall, I'm going to instruct you at this time,  
12 or Ms. Taylor, whoever actually has the plan, to present that  
13 to Superintendent Nassif right now. This is the plan.

14 (Document handed to Superintendent Nassif.)

15 THE COURT: Now, Mr. Nassif, this is important -- and  
16 I want everybody on the school board, listen up; red line  
17 here -- you are not to share the content of that plan with  
18 anybody, not a living soul, until you do so at an open public  
19 school board meeting, not in executive session. That's when  
20 the school board and the public gets to know what the plan is.

21 Now, the beauty of this plan, ladies and gentlemen,  
22 is: One, the Justice Department believes it's constitutional.  
23 I haven't seen the last version. I didn't want to see it.

24 Am I right, Ms. Taylor? The Justice Department  
25 believes if the school board adopts this one, it meets

1 consti tuti onal muster?

2 MS. TAYLOR: Yes, Your Honor.

3 THE COURT: All right. Now, second of all, based on  
4 the commi ttee that I appointed who I truly believe, and believe  
5 to be de la coeur, not only have the best interests of your  
6 parish at heart, it also makes a lot of educational sense. It  
7 sure makes a ton of financial sense. And I keep reading in the  
8 paper about how strapped the system is, and I know that to be a  
9 trui sm for most school systems in our state, despite the good  
10 times that our state is apparently enjoyi ng if you believe the  
11 newspapers and what they're sayi ng in the legi slature about a  
12 budget surplus. The rest of the country is going to Hades in a  
13 hand basket with the economy. But, anyhow, we're supposed to  
14 be doi ng better. But I don't think that translates into  
15 i ndi vi dual school systems. Maybe the legi slature is going to  
16 come in on a whi te horse and save everybody. I hope they do.  
17 But it makes a lot of sense from a financial standpoi nt.

18 So that's the beauty of the plan. If the school  
19 board, in its wisdom, adopts it, then we'll be going a long way  
20 to going to the house on these two heavy li fti ng plans.

21 But another thi ng, another good thi ng, or maybe a bad  
22 thi ng dependi ng on the school board's, i ndi vi dual school board  
23 members' perspective, thi s plan is going to call for the  
24 cl osure and consoli dati on of some school s. I'm sure that's  
25 true, al though I haven't seen the final plan. The school board



1 does not, and I repeat, school board members, you do not have  
2 to adopt this plan. You may, and again, you may if you choose  
3 to, come up with a plan of your own that is, first of all --  
4 remember, this is what this school's about -- one,  
5 constitutional; two, serves the best educational interests of  
6 your parish. So you don't have to take the fine work that I'm  
7 sure this plan, I know the many hours of work from the  
8 committee I appointed, the work they've gone through with the  
9 government. If you folks can come up with your own plan that  
10 you like better and you get seven votes, as long as it's  
11 constitutional, I don't care.

12           And I'm going to give you 120 days to either adopt  
13 this plan or come up with your own. One hundred twenty days.  
14 I think that makes it -- and somebody correct my quick calendar  
15 mathematics. I think that would make it probably around  
16 August meeting. In other words, it needs to be adopted at your  
17 August meeting, whatever you come up with or this one, or just  
18 say, "Judge, go fly a kite." Whatever you want to say.

19           Now, if you give me the equivalent of "Judge, go fly  
20 a kite," I'll do with the schools just what I've done with the  
21 principals here and getting ready to do with more principals,  
22 because, again, ladies and gentlemen of the school board,  
23 people of St. Landry Parish, enough is enough.

24           Now, Superintendent Nassif?

25           SUPERINTENDENT NASSIF: Yes, sir?

1 THE COURT: Do you have the authority or is it just  
2 the president or majority of the board to call a special  
3 meeting? Or let me ask Mr. Caswell.

4 Does the superintendent have authority to call a  
5 meeting?

6 SUPERINTENDENT NASSIF: Yes, I do.

7 MR. CASWELL: Yes.

8 THE COURT: If in your professional judgment,  
9 exercising the authority that you have as superintendent, you  
10 want to call a special meeting before your next regular, school  
11 board's next regularly scheduled meeting --

12 And when is that, Mr. Caswell?

13 MR. CASWELL: Thursday of this week is our next  
14 meeting.

15 THE COURT: Well, I suspect it would be less than  
16 cost-effective to call a special meeting. My point was, I  
17 wanted you to have it, I wanted you to mull it over in your own  
18 mind, not even get the benefit of anybody else's input till the  
19 school board, the people's elected representative, get to see  
20 it and the rest of the public does. But I was thinking, where  
21 I was going with it, if it's a couple weeks down, if you want  
22 to have it sooner, that's fine. But I would suspect Thursday  
23 ought to be plenty enough time.

24 SUPERINTENDENT NASSIF: Yes, sir.

25 THE COURT: But at any rate, that doesn't go out of

1 wherever your lockbox is.

2 SUPERINTENDENT NASSIF: I got it.

3 THE COURT: And I hold you personally responsible if  
4 it does. You understand that, sir?

5 SUPERINTENDENT NASSIF: Yes, sir.

6 THE COURT: And I order the 13 members of the school  
7 board not to even get close to asking him to violate my order.

8 Now, again, we all know, it's gotten to be the lead  
9 byline in the news accounts of this case that it's a  
10 43-year-old-plus school desegregation case. We all know it's  
11 43 years plus, 43 years and counting. I am the fifth, to my  
12 best count, life-tenured -- that means judge who is appointed  
13 for life by the President and confirmed by the Senate -- to  
14 preside over this case.

15 The reason I'm taking the action I'm taking now with  
16 this reorganization plan and with these principals is because  
17 contrary to my best efforts over the last seven-plus years when  
18 I thought we were so close and then we've gone so far back, I'm  
19 not -- I one day will either take senior status, retire, or  
20 die. There will be another judge that will follow me, and he  
21 or she would become the sixth life-tenured judge. And if this  
22 heavy lifting doesn't get done, there will be a seventh, and an  
23 eighth, and a ninth, and one day this case could even be 86  
24 years and you'll have some federal judge in a black or blue  
25 robe getting you to come over or your successors on the school

1 board to come over here and have to approve things that you  
2 guys and ladies were all elected by the people to do because  
3 you still hadn't done what the law requires. So it won't end.  
4 So I'm stopping that. And I may not live long enough, and I'm  
5 counting on it, or I may not be an active judge long enough,  
6 and I'm counting on that, too, to wrap it up on my watch, and  
7 we're going to do that one of two ways, the people's elected  
8 representatives are going to do it or I'm going to do it.

9           And if the people's elected representatives don't  
10 like what I do, then they can appeal to the United States Court  
11 of Appeals for the Fifth Circuit down in New Orleans. You  
12 always have that option. But I'm going to tell you again,  
13 members of the school board, what I said on January 23: This  
14 is hornbook law. You can file your appeal. It's not that I'm  
15 that good of a judge or that perfect of a person, but this is  
16 stuff that's so old and so well-settled, I probably can't screw  
17 it up. So you'll pay Mr. Caswell or some other lawyer tons of  
18 money, it will take 12 months to 18 months, and he'll come back  
19 and do just what I told you to do.

20           But if I do that, if I have to do that and you make  
21 me do that, I'm going to submit to you, members of the school  
22 board, you have let your constituents down, you will have  
23 violated the oath that you took, the same oath I took, and  
24 you'll be like Leander Perez with old Earl Long. Remember, at  
25 the end of the day, the atomic bomb.

1           And that's why other people around the country, my  
2 colleagues and others, can't believe this is still going on.  
3 Everybody thought this was over with years ago. And I have  
4 said in the context of another desegregation case it's really  
5 not this school board's fault, it's not the previous school  
6 board's fault, or the one before that, or any that I've been  
7 dealing with. They hadn't been fighting tooth and nail. This  
8 school board, particularly this year, over the last year, I'll  
9 say -- and I said before, I think it's more about politics than  
10 race. I'm not smart enough to understand all the nuances of  
11 St. Landry Parish politics. I've got a good idea, but I'm not  
12 sure. It's not necessarily race-driven, but it's having, it's  
13 running into this federal case. And that's a shame. That's a  
14 shame.

15           But it's going to get over on my watch, if I can help  
16 it. And if I'm not here to finish it for whatever reason, the  
17 next man or woman who gets my job, it'll be teed up for them,  
18 ready to knock it right off. Anyhow, I hope that doesn't  
19 happen. I mean that from the bottom of my heart. I don't know  
20 how else I could say it. But it's where we are.

21           Again, this is going to be hard, this plan. Some of  
22 you are going to take a lot of political heat, I'm sure. It's  
23 not going to be what you want to do. Many of you won't even  
24 have an effect. But if you're more worried about keeping your  
25 little coalition together or whatever it is, I promise you will

1 be back in here and you'll be sending your people -- I mean,  
2 there's no plan that can do what we need to do and make  
3 everybody happy. I mean, life is not that simple. You all  
4 know that. It's just not.

5 Now, Mr. Caswell, is there any question that you have  
6 as the school board's attorney about the order I've given to  
7 the school system or to the superintendent about what I expect  
8 as it relates to this reorganization plan, the time frame and  
9 just how I expect the school board to proceed or the  
10 superintendent to proceed?

11 MR. CASWELL: Yes, sir.

12 THE COURT: Come on up here.

13 MR. CASWELL: And we'll come back to it, because your  
14 question was about the plan. I do have questions concerning  
15 what you started as an order on the principal list which wasn't  
16 finished.

17 THE COURT: Okay. Well, I'm going to do that.  
18 Forgive me.

19 MR. CASWELL: I want to make sure we do that before  
20 we conclude. But as to your specific question on the plan, I  
21 understand your instruction to Mr. Nassif is that he is not to  
22 let that plan out of his sight, he's not to give it to anyone,  
23 no one is to see it until such time as it is presented at an  
24 opening meeting of the full board, public meeting?

25 THE COURT: That's it. Not in executive session.

1           MR. CASWELL: He leaned over and looked at me and  
2 says, "Can I get with you," meaning me, can he and I look at it  
3 to be prepared to present it to the board. If you don't want  
4 me to, fine, but that was the question he asked.

5           THE COURT: Let me say this, Mr. Caswell, and it's  
6 something else I'm going to address a little bit later. I  
7 don't understand, but, again, what I know about this is what I  
8 read in the newspapers. I thought you had enough on your plate  
9 right now; I was trying to save you from getting blamed for yet  
10 something else. But it makes complete sense to me if the  
11 superintendent who --

12           Again, I've got to remind the school board of this,  
13 the members of the school board, and Mr. Caswell, I know, has  
14 said in this courtroom on the record -- I'm sure he said it at  
15 your meetings; I'm sure I remember reading that -- he did not  
16 represent the last superintendent. He does not represent this  
17 superintendent. He does not represent any of you individual 13  
18 board members. He represents the St. Landry Parish school  
19 system.

20           So if you ask me as the school system's attorney,  
21 Gee, Judge, you're getting ready to get my superintendent to  
22 make a presentation at an open meeting to the full board on  
23 something that is as dramatic as this, wouldn't it be wise for  
24 me to have the ability to help him with it and advise him with  
25 it or whatever capacity he saw fit to bring into it, the

1 absolute answer to that would be yes. So to the extent that I  
2 didn't intend that and I was trying to, like I say, keep you  
3 out of another dog fight so they don't think you were plotting  
4 behind the scenes to do something else, that you were -- that  
5 to the extent --

6 Superintendent Nassif, to the extent you want to use  
7 Mr. Caswell and share anything with him, he's exempted from the  
8 rule. But everybody else is in the rule. Understood,  
9 Mr. Nassif?

10 SUPERINTENDENT NASSIF: Yes, sir.

11 THE COURT: All right. Go ahead, Mr. Caswell.

12 MR. CASWELL: Next question, Your Honor. I  
13 understand that this committee has been meeting and discussing  
14 this for quite some time.

15 THE COURT: Yes, sir.

16 MR. CASWELL: I know for at least over a year this  
17 has been under review by this committee.

18 THE COURT: Yes, sir.

19 MR. CASWELL: Of late, Justice has been reviewing it  
20 for quite a while and getting back with the committee to tweak  
21 it. My point being it's been a long process, it wasn't  
22 something that was done quickly. And quite honestly, it was  
23 being done, at least in the hands of the Justice Department, by  
24 people who do this and yet it took them that long. My question  
25 is: How is it that the school board only gets 120 days to



1     deci de?

2                   THE COURT: I suspect the answer to that --  
3     Ms. Taylor, I'll let you say what response you want in just a  
4     moment, but I suspect the answer to that is -- and this is a  
5     little bit self-serving by Tucker Melancon, and I don't know  
6     how else to say it, so forgive me -- but for the good graces of  
7     the presiding judge and the presiding judge's effort to allow  
8     the school system's elected people to do what they need to do  
9     under the Constitution to get out, what I've said before, get  
10    them out from under the federal yolk, you might have merit to  
11    it, but it's been 43-plus years, Mr. Caswell, it's been going  
12    on 54 years since Brown vs. Board, and I'll say it one more  
13    time: Enough is enough. You've got 120 days, end of subject,  
14    period.

15                   Now, Ms. Taylor, you want to say something else?

16                   MS. TAYLOR: No, Your Honor. You said it for me.

17                   THE COURT: Thank you.

18                   MR. CASWELL: Well, if that's the end of the subject,  
19    I have nothing else to say, Judge.

20                   THE COURT: I appreciate that. Another mark of a  
21    good lawyer.

22                   MS. TAYLOR: Your Honor, if I may?

23                   THE COURT: You may.

24                   MS. TAYLOR: I do believe Mr. Caswell, he alluded to  
25    the fact that --

1 THE COURT: Ms. Taylor, you speak very robustly  
2 generally, but you need to get up here because I'm having a  
3 hard time hearing you; and if I am, maybe the court reporter  
4 is, too.

5 MS. TAYLOR: Yes, Your Honor. We just want to  
6 revisit the personnel assignment directive from the Court. We  
7 would expect that for principal assignments, particularly as it  
8 relates to Mr. Moore, that the district be given 15 days to  
9 make a proposal for reassignment of Mr. Moore to another  
10 school.

11 THE COURT: All right. I'll tell you what I'm going  
12 to do, Ms. Taylor, and I know you're going to be here this week  
13 on another case that you've got in Louisiana.

14 Mr. Caswell, I'm going to instruct you, along with  
15 the assistance of Ms. Taylor and Mr. White, although it's  
16 contrary to my normal practice or the Federal Rules of Civil  
17 Procedure, to come up with an order that sets forth in essence  
18 what it is that I've ordered you to do. It will be one order  
19 as it relates to reorganization, as it relates to these  
20 principals, as it relates to these 15 days. I mean, that,  
21 too -- I mean, you may say, well, gee, Judge, that's pretty  
22 quick, but, well, it's not that quick, especially when I think  
23 that we're at April the 28th and school is going to be out soon  
24 and I know what it's like from my limited experience teaching  
25 school and from presiding over a number of these cases over the

1 years how hard it is to get a school ready to open in  
2 August for the principals. Teachers, too, but the principal  
3 particularly. So these people need to know where they're going  
4 to be, and so that needs to be accomplished.

5 MS. TAYLOR: Thank you, Your Honor.

6 THE COURT: I didn't mean to cut you out of that,  
7 Ms. Vincent, because it will probably be done through your good  
8 offices, too. I want all the lawyers to submit a judgment to  
9 me, and I want that done electronically so it will be easy  
10 enough for us to get it out, turn it around right away. I'll  
11 modify it to the extent I think it's necessary or appropriate.

12 All right. Now, there is another matter, and I asked  
13 Superintendent Nassif to get Mr. Francis Richard to come here  
14 today.

15 Mr. Richard, you're here? I assume you are.

16 MR. RICHARD: Yes, Your Honor.

17 THE COURT: All right. Mr. Richard, if you'd come on  
18 up here, sir.

19 MR. RICHARD: Sure.

20 THE COURT: And I'm not going to place you under oath  
21 at this point, Mr. Richard. I want you to know that. And I  
22 can only imagine if I'm the principal of a school, and I know  
23 you know there have been some serious allegations made about  
24 your school and, frankly, your activity at your school to the  
25 Court -- there may be a lot of credibility, there may be some

1 credi bi li ty, there may be no credi bi li ty -- that it would be an  
2 unpleas ant si tu a ti on for you to come up here and face the  
3 federal ju dge. I'm mi ndful of that. And I'm note try ing to  
4 tri ck you or tri p you up in any way. I want you to know that  
5 Tucker Mel an con, the human bei ng, to Franci s Ri chard, the human  
6 bei ng, my eyes to your eyes, my soul to your soul , if you  
7 woul d.

8 MR. RICHARD: Yes, si r.

9 THE COURT: But thi s is dead seri ous where we are,  
10 and I want you to know a cou ple of thi ngs. Am I ri ght, weren't  
11 you here wi th us one ti me before, or am I wrong? Were you ever  
12 here before?

13 MR. RICHARD: No, si r.

14 THE COURT: You were not. I know I had peopl e from  
15 Port Barre, and maybe it was Arnaudvi lle; I've forgotten where.  
16 But you weren't here. You weren't the subject. I di dn't take  
17 the ti me to go back and look. I assumed you were, but I was  
18 mi staken, so.

19 What I had -- the i nfor ma ti on I got about what was  
20 al leged to be goi ng on at your school as far as zone j umpi ng --  
21 that means, for every body may not know and who may read thi s  
22 tran scri pt that may not know, you have a student, based on the  
23 court, orders of thi s court, assi gned to go to a cer tai n school  
24 based on where the student li ves and if they don't do that,  
25 they're in vi o la ti on of the court order. And I have at least

1 two and maybe three times gone to a principal's meeting and  
2 talked about what I expected out of the principals, because  
3 this goes to the Green factor of student assignment.

4           And Mr. Charles Renaud, who was the person who was in  
5 the position that Mr. Brown is in now, previously worked very  
6 hard and worked with me and worked here with these lawyers to  
7 make sure, to the extent humanly possible, we stop the zone  
8 jumping, because we'll never get out of this case regardless of  
9 where the schools are built and everybody else trying to do  
10 what they're supposed to if the students aren't going where  
11 they're assigned. They can choose to go to a private school if  
12 they want to, but if they're going to go to a public school in  
13 St. Landry Parish, they're going to go where they're assigned.

14           Now, your school happens to be in the close proximity  
15 of Evangeline Parish. As fate would have it, I also have that  
16 school desegregation case. And the information I have is that  
17 there's a strong likelihood not only do you have people living  
18 in St. Landry Parish who shouldn't be going to your school who  
19 happen to be Caucasian, but also from Evangeline Parish.

20           And what I instructed Superintendent Nassif to do  
21 when I met with him last week was to let you know this was on  
22 my radar, that I wanted to give you a safe harbor, if you  
23 would. Because you signed those affidavits, have you not, that  
24 everybody in your school is right where they belong to?

25           MR. RICHARD: Yes, sir.

1 THE COURT: I think you attended some of those  
2 meetings that I was present at?

3 MR. RICHARD: Sure. Yes, sir.

4 THE COURT: And I indicated that, you know, a  
5 principal, any principal who signed those affidavits and  
6 didn't -- if it turned out not to be right, could be held in  
7 contempt of court. Do you remember me saying that?

8 MR. RICHARD: Sure.

9 THE COURT: Okay. So I wasn't threatening to hold  
10 anybody in contempt of court. I just wanted everybody -- and I  
11 think I remember saying this: You guys all have more education  
12 than I do, I'm sure. And I know you understand what I mean.  
13 I'm not trying to threaten you, but this is serious.

14 MR. RICHARD: Sure. I understand.

15 THE COURT: You remember me saying that?

16 MR. RICHARD: Yes.

17 THE COURT: Okay. Now, this safe harbor was to give  
18 you the opportunity over the last 48 hours, which isn't enough,  
19 to go back and look at the records you have to try to scratch  
20 your head and do whatever due diligence you needed to do so  
21 when you got in here today you could let me know what you  
22 found. I mean in essence. I don't think I told Mr. Nassif to  
23 tell you that because he didn't know I was going to do that,  
24 but I'm telling you that's how I thought about it over the  
25 weekend what I wanted to do.

1           And I haven' t placed you under oath. You do have an  
2 absolute obligation when you address a federal judge in a  
3 federal court to tell the truth, but you're not under oath now.

4           Have you met with, after you met with Mr. Nassif,  
5 have you met with Mr. Brown or anybody else in the school  
6 system to try to figure out where we are?

7           MR. RICHARD: I met with Mr. Nassif on Thursday  
8 morning, and Mr. Brown, and again with Mr. Brown Friday  
9 afternoon. And as of Friday afternoon, we had identified five  
10 students that were coming from Evangeline Parish, and they are  
11 no longer in our school.

12          THE COURT: Okay. So, in other words, you sent five  
13 of them back to wherever they should have been going?

14          MR. RICHARD: Right.

15          THE COURT: They're out of your school, anyhow?

16          MR. RICHARD: Yeah.

17          THE COURT: Now, based -- and this is an important  
18 question for me. Is it your representation here today that,  
19 first, everybody that's in your school right now you believe to  
20 be: One, from St. Landry Parish; and two, to be in the school  
21 in which they are properly zoned? Is that your representation  
22 to me?

23          MR. RICHARD: We're still working on it. Three more  
24 students were dropped this morning. And as we speak, our staff  
25 is working on that right now.

1 THE COURT: So, in other words, you're saying, Judge,  
2 I've done the best I could and it's a work in progress?

3 MR. RICHARD: Yes, sir.

4 THE COURT: All right. Well, I want to thank you,  
5 one, for that; and two, it wasn't my intention to get you up  
6 here and put you on the hot seat, but this is serious as a  
7 heart attack.

8 And Superintendent Nassif, I don't know what you do  
9 to impress upon your principals that they could end up -- it  
10 won't be a great time in jail, but with a fine and some jail  
11 time for being in contempt of court. I mean, I feel terrible  
12 saying that. These are professional educators. But we can't  
13 allow this to go on.

14 And, school board members, for goodness' sakes, I  
15 know some of you go to your schools on a regular basis; talk to  
16 your principals, let them know this is not a little thing. Not  
17 only is it messing the case up here, but it's going to cause  
18 them great misery.

19 Now, Mr. Richard, I want you to know -- and this  
20 wasn't my intention getting you here. Certainly nobody knew  
21 this, that it was even a thought in the universe, from the  
22 Court's perspective, until today, but, you know, since  
23 Mr. Miller put it on my plate or got the school board to put it  
24 on my plate when he got into the assignment over there at South  
25 Street Elementary, I'm looking at all the schools, about where



1 their principals are. It does not escape me that your school  
2 is one of those that's front and center. And I don't know how  
3 else to say that, but it's a truism.

4 MR. RICHARD: Yes, sir.

5 THE COURT: And all I know about you, and I mean this  
6 sincerely, is that you are highly respected within the  
7 education community of your Parish. They think you run a good  
8 school. And I can't -- I wouldn't venture to guess how old you  
9 are. I think you're somewhat my junior, but this is not your  
10 first rodeo. And what I said in those minutes that I read,  
11 it's not my intention to try to drive you out of the system if  
12 you get placed on the platter here, but this is important.  
13 You, these school board members, this judge, the people who  
14 have kids in school right now, and I don't know how else to say  
15 this, we're all paying for the sins of the past, what the  
16 people, all of our different roles did in the past to keep us  
17 here in 2008. But it's my duty, not my pleasure but my duty,  
18 to make sure we stop it. So you should know that that's an  
19 issue for me. And it is completely separate and apart from  
20 these zone jumping, but it's on my plate now.

21 And what I said, that I started to go down and I  
22 digressed, was that I hope that whatever happens here doesn't  
23 run you out of the system. I hope you don't say, "Well, I've  
24 had enough, I've got enough time, I'll retire." I hope you  
25 still have enough fire in your belly that wherever you go

1 you'll be the soldier that teachers and principals not even are  
2 supposed to be but, as I've experienced in my life, most of  
3 them are, to their great credit, they go where they're needed.  
4 And in this case there's a legal component on top of an  
5 educational component. A constitutional, not legal. A  
6 constitutional component. So I hope if it turns out that  
7 you're transferred that you don't feel compelled to retire. I  
8 mean that, because all I know about you is that you're an  
9 excellent principal.

10 MR. RICHARD: Thank you.

11 THE COURT: Again, I'm not predicting anything yet,  
12 but I want you to know, I don't see a bigger target than your  
13 school as far as this principal issue. It has nothing to do  
14 with the zone jumping. Okay?

15 MR. RICHARD: Thank you.

16 THE COURT: Good luck to you, and thank you for your  
17 work.

18 Keep on working, Mr. Brown. You're on top of that,  
19 Mr. Brown, and Mr. Richard has been doing what he needs to do  
20 to make sure he's assisting; is that right?

21 MR. BROWN: Yes, sir.

22 THE COURT: All right. I'd like to have a report on  
23 that, Mr. Caswell, about how that turns out, by Friday a week.  
24 I want to know how many are now gone, because we've got five  
25 and then we've got three more, if I understood, that left this

1 morni ng.

2 So that's a total of eight, Mr. Richard?

3 MR. RICHARD: We're still working on it, Your Honor.

4 THE COURT: But as of right now, you've got eight.

5 MR. RICHARD: Eight.

6 THE COURT: I want to know by next Friday.

7 Ms. Taylor, you rise?

8 MS. TAYLOR: Your Honor, I do actually have an item I  
9 want to address with you on that school. We'll be doing our  
10 own review of whether or not the students are appropriately --

11 THE COURT: Come up, please. I'm getting old, can't  
12 hear anymore.

13 MS. TAYLOR: I apologize, Your Honor. We have, as a  
14 part of our review of the reorganization plan, we have in our  
15 possession the 9-1-1 addresses for Grand Prairie. Accordi ngly,  
16 we will look at those addresses and plot them on the map to see  
17 whether or not the issue is of them provi di ng false addresses  
18 or whether or not they're provi di ng true addresses but not  
19 wi thi n the zone.

20 THE COURT: Again, I want Mr. Richard -- Mr. Richard,  
21 you understand this, and I want Mr. Caswell to maybe talk to  
22 you after this meeting to make sure you do, that safe harbor  
23 that I gave you until today, that's extended till Friday a  
24 week. So up to that point, whatever the saying is, there's no  
25 foul so there's no harm. I hope that gives you enough time.

1 But after that, the Government is going to compare their  
2 documents and whatever they'll be doing and we'll have the real  
3 deal.

4 So Mr. Brown, you help Mr. Richard, make sure we get  
5 all of this done within -- it's Friday a week. Not this  
6 Friday, but Friday a week.

7 All right. Now, I said earlier, and I would like to  
8 have a little discussion with Mr. Miller in his capacity as  
9 school board president. So, Mr. Miller, if you'd come on up  
10 here. I'm not going to put you under oath either, Mr. Miller,  
11 but I need to -- there's a few things I just -- I said earlier  
12 I was -- at the last meeting, I said I was frustrated. This  
13 meeting, I'm not frustrated, I'm just in a state of disbelief.  
14 But, anyhow.

15 I'll tell you the same thing I told Mr. Richard.  
16 You're not under oath, Mr. Miller, but you have an obligation  
17 to answer my questions truthfully. Being in federal court,  
18 being addressed in your capacity as school board president in a  
19 federal courtroom, I trust everything you'll tell me will be  
20 the truth as you believe it to be. And not a whole lot of  
21 stuff here, but just some things I don't understand.

22 Now, I really -- I know you were here at the meeting  
23 on January 23. I know you read the minutes from that meeting.  
24 I know you were here today and you followed along as I reread  
25 them. With that background, Mr. Miller, why in the world did

1 you feel compelled to place on the school board agenda at the  
2 last meeting the issue that apparently Ms. Semien had brought  
3 to your attention, because she tried to bring it to my  
4 attention, over at South Street Elementary? Like I said  
5 earlier, in my view, you led your, and they followed you, the  
6 other 11 that were at that meeting, unanimously. They followed  
7 you over the cliff, made us have this hearing, and now you've  
8 got me looking at other principals. Why did you put that on  
9 the agenda for them to have to, you know, bite that poison  
10 pill? Why?

11 MR. MILLER: Your Honor, may I take a minute to --  
12 excuse my hoarseness today.

13 THE COURT: Absolutely. You want some water? We'll  
14 get you some water.

15 MR. MILLER: Oh, okay. I'm okay. It was stated  
16 earlier --

17 THE COURT: No. I want you to address my question,  
18 then I'll let you speak after if you want to say something.  
19 But I want to know about --

20 MR. MILLER: Well, it's --

21 THE COURT: Just a minute. I want to know about the  
22 issue at the South Street Elementary. Why did you put that on  
23 the agenda to get your fellow board members to have to face  
24 whatever hoorah came on?

25 MR. MILLER: Well, it didn't just start all at once.

1 It started at our meeting when it was stated at the  
2 February board meeting when the board voted for the principal  
3 changes. We have a policy at the school board that if someone  
4 would like to speak, that they will sign the card. The person  
5 we are speaking about, Mrs. Semien, did follow that procedure,  
6 she signed the card, and she was allowed to speak on that  
7 subject. At that time, an objection was made because she did  
8 go over, and it was halted. She was halted. And she  
9 requested -- and I have with me a copy of our policy, not even  
10 knowing that maybe you would ask that. But she did request  
11 that she would come to the next meeting, to be on the agenda.  
12 And she followed all the procedure, and she wrote a letter to  
13 the superintendent. Sent the letter also to me, which I have a  
14 copy. And I think when she made her presentation -- let me  
15 see. I have a copy of the letter, Your Honor. And this was  
16 dated March the 18th, and I have it with me now. If you like,  
17 I could read it or --

18 THE COURT: No, sir. I'm just wanting to know why  
19 you did it. You've told me because she followed the policy and  
20 so I let her on.

21 MR. MILLER: Okay.

22 THE COURT: Is that what you're telling me?

23 MR. MILLER: She followed the policy and -- let me  
24 see. I have a copy of the -- I think I have a copy of the  
25 policy --

1 THE COURT: No, no. I take your word, Mr. Miller, as  
2 the president of the school board you wouldn't get up here and  
3 lie about the policy of the St. Landry school system. Okay?  
4 Don't worry about that.

5 MR. MILLER: Right.

6 THE COURT: But I think you've answered my question,  
7 and the answer is: Judge, the reason I put Ms. Semien on the  
8 agenda, despite what you read here today about what you told us  
9 on January 23, is because she followed the policy, and I did  
10 it. That's why?

11 MR. MILLER: Your Honor, and one of them was a little  
12 that when she did make her presentation to us -- and the order,  
13 it was probably a little confusing to some of us, and myself,  
14 too. It was about the historical schools and --

15 THE COURT: Well, Mr. Miller, let me just tell you  
16 something, and I'm going to ask you about that in a little bit,  
17 too. You have been at almost all of these meetings going back  
18 seven years.

19 MR. MILLER: Correct, Your Honor.

20 THE COURT: And I cannot speak the English language  
21 any better than I did. I cannot believe, and I do not believe,  
22 that based on what I said, what I read, that: One, it could  
23 have been misunderstood -- that's number one. But No. 2, you  
24 and, with all due respect, with the exception of Ms. Frank -- I  
25 believe I'm true, and forgive me if I'm omitting anybody -- are

1 not lawyers. And it doesn't really make, in the vernacular of  
2 the time, a rat's what you or any of the individual board  
3 members think the definition of historically African-American  
4 or historically Caucasian is. Those are the legal issues, and  
5 as I'm sure you heard me say earlier and I recounted after  
6 talking with the lawyers the history of that school, I made a  
7 factual finding. That's over with. It should have been over  
8 with, Mr. Miller. And you've heard me use this phrase before,  
9 period, end of subject. It should have been over, period, end  
10 of subject, on January the 23rd. I thought it was when I got  
11 word from Mr. Caswell as he said, and that's why I said I  
12 couldn't see him but I could feel his smile over the phone, he  
13 was so pleased, as was I, that y'all had gone ahead and given  
14 Mr. Nassif the authority to do what he did.

15 So that's not -- you know, with no disrespect to the  
16 office you hold as president or any other members of the  
17 elected representatives, that's what you've got a lawyer for.  
18 And he's an extremely good and capable, competent lawyer. I've  
19 said all that before. I'm not going to say it again. And I'm  
20 not going to tell you just because the lawyer says, but it's  
21 kind of like if you've got a doctor and you've got something  
22 going on with your daughter, or your wife, or you or your son;  
23 you've got a pain and the doc says, "Well, this is the way it  
24 is, Mr. Miller." I don't think so. I think I want a -- you  
25 can always go to another doctor, but you don't come to the



1 judge, not with the record we have made here.

2 So I'm going to tell you what, I am -- was so  
3 surprised not so much that you put it on the agenda but that by  
4 12 to nothing those people at that meeting followed you down  
5 that path. And I'm sure -- and all I know is what I read in  
6 the paper and whatever transcripts I've read. I'm sure there  
7 was some hoorah, I'm sure there was some turmoil, and for  
8 whatever reason -- and we don't need to relive that now --  
9 sometimes your meetings get lively. But you heard me earlier  
10 when I was taking that man's guilty plea with those machine  
11 guns. You were in the courtroom, weren't you?

12 MR. MILLER: No, sir.

13 THE COURT: You weren't, okay. Well, one of the  
14 things the lawyer for the defendant in that case said, "Judge,  
15 I've got a conflict." I'm going to sentence this fellow in  
16 August sometime, and he's going to go to jail for at least 30  
17 years. Pretty serious deal for that man. Big day in his life.  
18 And I said -- well, the date I set was August the 4th. And I  
19 said, "I'm not going to invoke the supremacy clause." You know  
20 what the supremacy clause is?

21 MR. MILLER: Your Honor, I don't.

22 THE COURT: The supremacy clause is that provision of  
23 the United States Constitution that says if there's a law that  
24 is in conflict, state law that's in conflict with a federal  
25 law -- and this wasn't a law, but it was a state court

1 setting -- that conflicts with a federal law or a federal court  
2 setting, the federal law or the federal setting is supreme, so  
3 it doesn't matter what the state law says. That's the  
4 supremacy clause. That's true for everybody. It's not just  
5 true for St. Landry Parish, not just true for Tucker Melancon.  
6 That's the way the Constitution was set up.

7           And the point of that, Mr. Miller, is I don't really  
8 care what the policy was. I mean, if you're told here in this  
9 court, that's overridden, period, end of subject. And going  
10 forward, as long as you're the president -- and I suspect  
11 you've got another whatever number of months now. I think it's  
12 a year term, how that works over there. You need to remember  
13 that, because you let these people down, in my opinion. You  
14 got them to go off a cliff and they got stampeded. And shame  
15 on them, but they can't do that without the leader.

16           And I'm reminded, Mr. Miller, of what somebody told  
17 me, and I don't need to go into the particulars. I was real  
18 involved in politics before I got this wonderful job, and I  
19 happened to be supporting a candidate who happened to be  
20 African-American, much to the chagrin of many of my friends and  
21 contemporaries. And I had this old country doctor tell me --  
22 like I say, I had a party position in those days, democratic  
23 party position. And I can remember what that old doctor told  
24 me about how it was going to affect this other race, because I  
25 was out there, public face for this black candidate. And I

1 said, "Well, that's my job. That's what I do. And besides, I  
2 think this is the best person," or whatever I said. And he  
3 said, "Well, sometimes the crown just gets heavy."

4 Well, Mr. Miller, you're the president of this outfit  
5 now. Sometimes your crown's just going to get heavy. You've  
6 got to take the bullets, whatever reason you wanted this job.  
7 And it's not to do, as some people have reported to me -- and  
8 you draw your own conclusions. That's not an issue for me,  
9 because as long as you're not messing up this case or the  
10 board's not messing up this case, I don't care. But there's a  
11 lot of people and you've been accused of trying to micromanage  
12 the whole system and change policy because your position as  
13 president now has taken on new meaning from the last president,  
14 and the president before that, and the president before that.  
15 Now, that may be your intention, may be true, may be not true,  
16 but that's out there in the universe. And I don't care. If  
17 you can get seven of those people to follow you, counting your  
18 vote, y'all can do what you want as long as it doesn't affect  
19 this case. The day it affects this case, and this one did,  
20 that's why we're here, and we've got a problem.

21 Now, next thing I want to talk to you about,  
22 Mr. Miller, and this is something that's going into the future.  
23 It may have been in part -- you may have solved this problem,  
24 and maybe you didn't. And I don't think that was your  
25 intention, but -- by what happened here today. I understand

1 Ms. Faul, who is a person I know, an educator I respect, has  
2 been placed or is in the position of being placed on the agenda  
3 for the next board meeting. And I know that she's not happy  
4 with, wasn't happy with the transfer of Mr. Moore as principal  
5 from Creswell over to the alternative school because she felt,  
6 in her judgment -- I believe the intent in good faith, but  
7 mistaken -- that it was some kind of retribution for something  
8 she might have done. And I'm just wondering why in the world  
9 did you say let's put this on the school board agenda so my  
10 brothers and sisters on the school board can listen to this  
11 one, too? I mean, what's the point of that?

12 MR. MILLER: Your Honor, if you care to hear the  
13 answer --

14 THE COURT: I want to hear the answer.

15 MR. MILLER: I have the policy with me.

16 THE COURT: Okay. Well, I'm through with that now.  
17 If you're going to fall back on the same answer --

18 MR. MILLER: No. I'm --

19 THE COURT: Just wait a minute. If you're going to  
20 fall back on, Judge, the reason I'm doing that, too, is like  
21 what I did with Ms. Semien, because that's the policy, you  
22 didn't understand what I just said, the supremacy clause. I  
23 don't care.

24 MR. MILLER: I understand that, Your Honor.

25 THE COURT: This is a dead issue. It's over. Now,

1 is there anything else, any other reason you can put  
2 Ms. Faul --

3 MR. MILLER: No. As president of the board, it puts  
4 me in the position not trying to go against your rule or the  
5 judge's rule or your orders, but then do I violate the policy?  
6 Because it says --

7 THE COURT: Mr. Miller. Wait just a minute. The  
8 answer to that, the simple answer is: Yes, you do. The  
9 supremacy clause, Mr. Miller. And that was my point on telling  
10 you a while ago about --

11 MR. MILLER: Okay, I understand.

12 THE COURT: -- sometimes those who wear the crown, it  
13 just gets heavy. You've got to take that heat. I couldn't be  
14 clearer. Now, I really want you to understand this,  
15 Mr. Miller, because I've got a feeling if you don't understand  
16 what I'm saying, we're going to have some issues in the future  
17 and it's not going to be good for you. It's going to be  
18 unpleasant for me, but it's not going to be good for you. You  
19 know, if there's a conflict there, you go sit down with the  
20 school board attorney, you say, "I think this is the conflict."  
21 He's going to answer your question; and if he can't answer it,  
22 he'll get with me and I'll answer it for him. But don't you  
23 sit up there and say: Well, look, Judge, it's in the policy  
24 manual here and that's why I did it, even if it's violating  
25 what you said in court; because, Judge, you just read it to me,

1 I should have gotten it, I got it now, I think I got it now.  
2 But it's important you understand that, Mr. Miller, because  
3 you've got whatever number of months left to be president, to  
4 lead this outfit. It's important, Mr. Miller. And like I say,  
5 I don't care what you do other than it affects this case. This  
6 yet again affects this case. That's the point. Understand?

7 You'll have to answer so the record will pick up your  
8 answer.

9 MR. MILLER: I understand.

10 THE COURT: All right. Now, the other thing, and  
11 this is critically important. I've talked about this enough in  
12 here. I provided each of you with an opinion several years ago  
13 that covered the subject. But it's important to me,  
14 Mr. Miller, in your capacity as president of the St. Landry  
15 Parish School Board, that we're on the same page on this. Do  
16 you understand what the term good faith means in the context of  
17 a school desegregation case? You understand what that means?

18 MR. MILLER: I think I do.

19 THE COURT: Would you tell me so I understand what  
20 you think good faith means.

21 MR. MILLER: I think, Your Honor, good faith means  
22 that we work together for a common goal, and we are fair and  
23 truthful with all parties that are involved, and that we all  
24 work together.

25 THE COURT: That's not what it means, Mr. Miller.

1 What it means is -- and this is important that you and your  
2 fellows and ladies on the board understand this, because we  
3 could do all six of the Green factors, if the Court couldn't  
4 make a finding of good faith -- and I'm about to explain what  
5 it means -- you still wouldn't get unitary status. That's the  
6 law. Hornbook law again.

7 Good faith means, in the context of a school  
8 desegregation case, that the Court has every reason to believe  
9 and expect that the orders of the court will be fully and  
10 completely complied with and that before the school system --  
11 and it's got a sufficient amount of time so the school system  
12 has demonstrated to the Court that we're going to do what the  
13 orders are, Judge, you don't have to call us in here, like  
14 you've done today, to go ahead and do what you told us to do  
15 because of policy or anything else.

16 Now, it's that simple. It's not complicated. But  
17 it's not: Well, we thought we were doing everything we could,  
18 or we believe we were doing everything we could. I've got to  
19 believe that if I issue an order for you or the school board to  
20 do something, that you'll follow it, in the context of the  
21 case, and that you'll follow the terms and conditions of the  
22 previous consent orders and judgments of this court and other  
23 orders of this court. Unless the presiding judge in this case  
24 right now, in 2008, Tucker Melancon, is convinced of that, then  
25 we'll never get out of here. Real important you understand

1 that, Mr. Miller. Do you understand that?

2 MR. MILLER: Yes, Your Honor.

3 THE COURT: And, ladies and gentlemen of the board, I  
4 hope y'all understand that. I mean, I'm going to say something  
5 now that's true. I don't know if any of you have wisdom teeth  
6 or had them removed. Well, I've had only one removed. But I  
7 would as soon, and before the creator of us all as my witness,  
8 I would as soon have my other three wisdom teeth pulled out of  
9 here than to come down and have to be talking like I'm talking  
10 right now and be involved to this extent in y'all's business.  
11 Before the creator of us all I say that. But I repeat for the  
12 third or fourth time: Enough is enough. I can't go anymore.  
13 I'm not going to go anymore. The people of your parish deserve  
14 more from me and from y'all.

15 But good faith, besides doing what we say needs to be  
16 done, making sure that when the judge is not there overlooking,  
17 that he has a reasonable belief or she has a reasonable belief,  
18 if I'm not the last one, that you're going to follow through  
19 and do what you're going to do.

20 Now, lastly -- and again, I want everybody on this  
21 school board to know, you in particular, Mr. Miller, because  
22 you're the president, but everybody, the other 12 of you in  
23 that jury box. This is so, so important to me that you  
24 understand. I really don't care what you do -- as a judge. A  
25 human being, I might care. But as a judge, I don't care what



1 you do and how you run your school system, who you hire, who  
2 you fire, as long as it doesn't intersect with this case and,  
3 in fact, interfere with this case.

4 But, Mr. Miller, I do not understand, I cannot  
5 understand, you having been in attendance at all these  
6 meetings, the number of hours, man-hours, woman hours that have  
7 been expended on this case, why the subject of Mr. Caswell is  
8 coming up now at this critical juncture in this case. And  
9 again, there may be a good reason for it, and I don't know if  
10 the paper was accurate, but I think a quote that was attributed  
11 to you, you wanted to share the wealth, spread the wealth  
12 around, or something like that.

13 Now, what's your background? I believe you were a  
14 teacher, weren't you?

15 MR. MILLER: Yes, Your Honor.

16 THE COURT: Have you ever been in business for  
17 yourself?

18 MR. MILLER: Yes. All my life.

19 THE COURT: What kind of business?

20 MR. MILLER: A convenience store --

21 THE COURT: So I take it --

22 MR. MILLER: -- (inaudible).

23 THE COURT: -- you make payroll, you pay taxes?

24 MR. MILLER: Oh, yes.

25 THE COURT: You pay the cost of the goods? So if you

1 have, let's just say for the sake of our discussion, you have a  
2 \$1,000 day in your convenience store. Maybe that's a good day.  
3 Maybe that's a bad day. Maybe it's whatever it is. But  
4 because you take in \$1,000 at the end of the day, you didn't  
5 make \$1,000, did you?

6 MR. MILLER: Probably 30 percent.

7 THE COURT: So you probably made \$300?

8 MR. MILLER: Probably so.

9 THE COURT: And if you follow the law after that,  
10 then you've got to declare that for your income tax and you've  
11 got to pay tax on that, don't you?

12 MR. MILLER: That's correct.

13 THE COURT: Well, I'm glad you've got that business  
14 background, because I've got to tell you, I haven't -- again,  
15 members of the school board, not my intention to tell you what  
16 to do on any hire, and I don't care unless it intersects with  
17 this case, but we've been to this well before when we talked  
18 about it in another context with another employee. And I think  
19 Mr. Washington, Mr. Donald Washington, who is the United States  
20 Attorney, who came in during this proceeding -- I appreciate  
21 him being here, too -- I think he told y'all about the effect  
22 of switching horses in the middle of the stream, or whatever  
23 his term was, and -- anyhow, whatever was done was done. And,  
24 of course, that situation was resolved and would have been  
25 resolved by another way, unfortunately, in any event. But it

1 doesn't matter.

2           The point is, we're at a critical junction here,  
3 Mr. Miller, and if the idea -- unless he's doing something  
4 wrong or not -- and I'm going to tell you, if he's not doing  
5 what he's supposed to do, I can't tell from this case. And  
6 I'll bet Mr. White and Ms. Taylor and Ms. Vincent, and to the  
7 extent Mr. Washington oversees the case and Ms. Vincent and  
8 Mr. Marshall oversees Ms. Taylor and the government's role, I  
9 bet I could put them under oath and they'd say -- and I haven't  
10 said this to them. I don't know what they'd say. But I'll bet  
11 they'd say: You think he's a good lawyer? Do you think he's  
12 representing the interests of the school board vigorously and  
13 well? I bet you they would all say yeah. But that's y'all's  
14 decision. But I will tell you that every action has an equal  
15 and opposite reaction, folks. Just understand that. Y'all do  
16 what you're going to do, and that's your business.

17           But I will say, using that little analogy I did about  
18 Mr. Miller's business, if he had a \$1,000 day and ends up with  
19 \$300, and then he pays taxes on that, depending on what bracket  
20 he's in, he may be at a \$200 day or \$230 day, or whatever it  
21 is. My life experience as a lawyer for over 20 years and being  
22 a sole practitioner for much of it and then a two-man  
23 partnership for the rest of it with some other lawyers working  
24 for us is that a good law firm, besides having -- if you've got  
25 a good law firm. I'm not talking about some jackleg who's got

1 a law degree, because y' all know, and I'm sure you know some of  
2 them that doesn't have a library, doesn't have, you know,  
3 proper internet connection, doesn't have much of an office. A  
4 good lawyer, a law firm, runs an expense between 40 and 50  
5 percent of their gross.

6 Now, Joseph, if you do better than that, you were  
7 better than me. I was closer to the 50 percent range. But,  
8 anyhow -- maybe I wasn't that smart and just didn't know how to  
9 do it. But I think that's, if you look statistically, that's  
10 probably true.

11 And after that, you end up, you know, doing what  
12 you've got to do, and then you take out what you can and you  
13 declare that as income. So what appears to be gold because it  
14 glitters doesn't necessarily make it so. So if a lawyer makes  
15 a fee of "X," he doesn't or she doesn't put "X" in their  
16 pocket. And that's just the way the law business is. And I  
17 hate to call it a business, but it is a business, because, you  
18 know, depending on the number of employees, you've got all the  
19 headaches that a small business person has, I promise you, and  
20 then some.

21 But the point of that is, from what I read in the  
22 paper, I believe Mr. Caswell gets paid \$125 an hour. And a lot  
23 of people say, "Man, that's a whole lot of money." Compared to  
24 what a lot of folks that don't have all the expenses and  
25 overhead of running an office and the whole operation, that is

1 a lot of money. But it's not \$125.

2           And in my capacity as a United States District Judge,  
3 I get to look at attorney's fees all the time in civil rights  
4 cases where you've got race, sex, age discrimination because  
5 the loser has to pay the winner in those kind of cases, or can  
6 if the judge says it. So I get to see these fee applications.  
7 And I want to promise you that I can't remember the last time  
8 that I approved an attorney's hourly rate, based on the  
9 community standard, at \$125 an hour. Now, I'm not saying  
10 there's some lawyer that don't work for less than that, and I'm  
11 not going to invoke the maxim of you get what you pay for, but  
12 I will tell you what, it's certainly not exorbitant.

13           And I'll go one better than that. And I'm not sure  
14 of this, but the last time I looked at the fee schedule for the  
15 Louisiana Attorney General, if you hire a lawyer to work for  
16 the state on like a highway case, if you get into -- you know,  
17 there's a road defect and there's a wreck and so the Attorney  
18 General hires a lawyer from that parish, with what I perceive  
19 to be Mr. Caswell's number of years of experience, because you  
20 get -- it costs a little more to get a seasoned lawyer. You  
21 can get some young Turk right out of school and they'll  
22 probably pick up the crumbs and do what they need to. But I  
23 think, and I could be wrong -- it's probably online somewhere;  
24 you can check it. I think he'd be making -- and this is just  
25 for the State, which is not thought of as being a big payer --

1 at least \$150 an hour. Now, maybe higher. I don't know that.

2 But the point of this -- and again, I don't -- it's  
3 y'all's decision. You do what you want to do. Only reason it  
4 matters to me is because it affects the case. And what I'm  
5 doing with this reorganization plan and giving y'all the  
6 opportunity, and even though Mr. Caswell says we need more  
7 time, it's going to wrap up and this will make it yet harder to  
8 wrap up.

9 But that's about all I've got to say about that,  
10 Mr. Miller, unless there's something else that relates to the  
11 lawyer. I mean, why are you bringing this up? What's the  
12 deal?

13 MR. MILLER: Your Honor, it is the job of the board  
14 not only to review the contract of the attorneys but the  
15 majority of superintendents' contract, consultants, workman's  
16 comp. That is part of the job of the board, and that's what we  
17 were doing.

18 THE COURT: That's fair enough. So you're making a  
19 review. Now, how long, to your knowledge -- how long you been  
20 on the board?

21 MR. MILLER: Twenty-four years.

22 THE COURT: How long has this man, Mr. Caswell, been  
23 your representative for the school system?

24 MR. MILLER: Probably ten years.

25 THE COURT: Well, he's been with me at least seven.

1           Mr. Caswell, what's your recollection of how long  
2 you've represented the school board in one capacity or another?

3           MR. CASWELL: Seventeen years, Your Honor.

4           THE COURT: Seventeen years. Okay, that's fine. A  
5 little discrepancy there, but -- it's only about half, but  
6 that's all right.

7           To your knowledge -- you've been on the board all  
8 that time?

9           MR. MILLER: Right.

10          THE COURT: To your knowledge, has this issue come up  
11 before?

12          MR. MILLER: The contract has been signed, normally  
13 signed on a yearly basis. So it is a contract for the year, so  
14 it should come up --

15          THE COURT: But my question, Mr. Miller, is, to your  
16 knowledge -- now, you've been there for the whole 17 years  
17 Mr. Caswell has been there. Has it ever come up like this  
18 before?

19          MR. MILLER: I don't recall. But I felt that it  
20 should have.

21          THE COURT: Okay. Well, let me ask you this,  
22 Mr. Miller, because it's just important to me because, like I  
23 say, I don't care who the board lawyer is, I don't care who the  
24 board superintendent is, I don't care who the board principals  
25 are, I don't care who the board employees are, except when it

1 intersects with the case. And the reason we got here with the  
2 principal today is because it was intersecting with the case.  
3 And the reason I'm concerned about switching horses in the  
4 middle of the stream again is because it will intersect with  
5 this case. Are you personally disgruntled with the quality of  
6 the legal service that you got from Mr. Caswell?

7 MR. MILLER: It doesn't -- I don't think it had  
8 anything to do with that, except to see how much we were  
9 spending for legal services.

10 THE COURT: Okay. In other words, as far as you're  
11 concerned, he's doing a good job?

12 MR. MILLER: Well, I would say communication  
13 sometimes is not what we would like it to be sometimes.

14 THE COURT: When you say we, are you referring to  
15 you?

16 MR. MILLER: That the board, that --

17 THE COURT: Okay. Anything else you don't like about  
18 him?

19 MR. MILLER: Personally, I didn't have any feeling  
20 whatsoever. I just felt this was part of our job.

21 THE COURT: Okay.

22 MR. MILLER: If I, as president, have a job to do,  
23 that was part of it.

24 THE COURT: Okay. Well, I guess what got my  
25 attention, besides where we are in the case since January, why



1 we're back here on the principals. That kind of went over  
2 somebody's head. But -- and knowing this reorganization plan  
3 coming up and it's going to be the heavy lifting, like I said.  
4 And what you just told me is: "Judge, I been on that 17 years;  
5 I don't recall it ever coming up before, but I thought I needed  
6 to do it." I just didn't understand. So I think I understand  
7 now. I understand.

8           Okay. Thank you, Mr. Miller. You said you wanted to  
9 say something. You can go ahead and say what you'd like to say  
10 now. And if you don't want to say anything, you don't have to.

11           MR. MILLER: Well, Your Honor, as I said previously  
12 when I assumed the position as president of the board, that I  
13 would work diligently towards solving this desegregation case  
14 that we have been working on for many, many years. And, also,  
15 at the same time, as president of the board, there are  
16 obligations working with people, working with the staff,  
17 working with principals. Maybe sometimes you -- I felt that  
18 maybe there was a way that I could help solve some of the  
19 issues that seem to be very difficult for some people. To be  
20 able to let them speak, to be able to let them come before the  
21 board, to let them express themselves was a way that I felt  
22 that that was the correct way, but not in any way trying to  
23 circumvent any orders that were given by the Court. And that's  
24 my feeling.

25           THE COURT: Well, let me say, Mr. Miller, I'm going

1 to take you at your word that you were in good faith and you  
2 thought you were, you didn't mean to violate the orders of the  
3 court. Do you understand here today why the judge presided,  
4 for the reasons the judge presided, has previously just stated,  
5 why you did in fact violate the order of the court? You  
6 understand?

7 MR. MILLER: Repeat that again, Your Honor.

8 THE COURT: Do you understand now, based on what I've  
9 told you here today in front of your fellow members of the  
10 board and whoever is in this courtroom and whoever is going to  
11 read the transcript, what I've said in black and white, do you  
12 understand why in fact --

13 MR. MILLER: What I --

14 THE COURT: -- you did --

15 MR. MILLER: What I --

16 THE COURT: -- violate the orders of the court? Do  
17 you understand that.

18 MR. MILLER: What I understand, what you said in good  
19 faith. And that the orders of the court is supreme to all the  
20 other issues or orders or whatever, I understand that, Your  
21 Honor.

22 THE COURT: Yeah, but my question is now do you  
23 understand? And maybe you answered it, but it's a direct  
24 question. I'd like a direct answer. Do you understand why in  
25 the opinion of the judge, me, that you did in fact violate the

1 order of the court, even though I believe you because you said,  
2 "I didn't mean to, Judge," but do you see why you did?

3 MR. MILLER: It's kind of hard for me to say it, Your  
4 Honor, but I'll accept that and -- I'll accept what you're  
5 saying, and I'll make sure that this doesn't happen again.

6 THE COURT: Well, Mr. Miller, you know, I'm doing my  
7 dead-level best. I've given you the benefit of the doubt about  
8 your intention is good and you didn't mean to do it, but I  
9 can't speak the English language any more clearly. The good  
10 and the bad thing is that your 12 colleagues on the board and  
11 everybody else in this courtroom and anybody who chooses to  
12 read it heard what I said, heard what your answer was, and so  
13 I'll just leave it at that for now. Okay?

14 All right. Thank you, sir. You may step down.

15 MR. MILLER: Thank you.

16 THE COURT: Now, let me say something to the board  
17 again. This is the whole board. And I don't mean to beat this  
18 horse anymore. But I have said in the context of another  
19 school desegregation case that it's been my experience -- and  
20 I've had, I don't know, maybe 15 of these cases, mainly in  
21 north Louisiana, over the last 14-plus years, none more  
22 involved than this or Evangeline Parish. But, again, this is  
23 not my first rodeo as it comes to school desegregation cases.

24 And I have said in the context of another case that  
25 these political alliances on school boards when they come in

1 the context of a school desegregation case, they're not about  
2 whether you're Republican or Democrat, whether you're liberal  
3 or conservative, it's all about -- because it's at the local  
4 level it's politically driven. That's where you see the --  
5 when you see -- cliques isn't the right word, but groups. And  
6 they've been referred to over in another parish as the  
7 Magnificent 7. When you put those seven votes together, well,  
8 you can get done what you want to do and to heck with the rest  
9 of the six. If you can keep that together, then you get your  
10 way for a while. But I've said it's been my experience that  
11 those coalitions of the Magnificent 7 are built on sand, and  
12 it's shifting sand, so it's never, never stable, so what's the  
13 seven today won't be the seven six months from now. That's  
14 just the way it works. Not good. That's life, that's  
15 politics, and that's the way it is.

16 But I want y'all to know -- and I quit talking to the  
17 individual members of the board. Some of you I've met with  
18 many times, many hours over the last seven-plus years. Some of  
19 you probably have a greater affinity for me than others of you  
20 do. Some of you probably just plain don't like me. That's  
21 understandable too. I certainly, while I don't just plain  
22 don't like any of you, I have a greater affinity for some of  
23 you than for others. And this is the part I don't want to beat  
24 a dead horse, but some of you I have been just shocked because  
25 I know you're better folk, I know you care more. And maybe if

1 I were talking to you like I had in the past when a big issue  
2 came up, I would understand better or maybe the course of  
3 action that some of you have taken wouldn't be the same. But  
4 as I said earlier, I've been just greatly disappointed and I've  
5 been just, like I say, shocked, because it's led us to where we  
6 are today and me having to have this hearing and why I would  
7 rather pull those other three wisdom teeth than to be up here  
8 talking to you like this.

9 Now, Ms. Taylor, are there other matters, other  
10 things that the Court could consider while we're all here  
11 together so I can get things straight so I don't have to call  
12 yet another meeting?

13 MS. TAYLOR: Yes, Your Honor, a few things. We have  
14 received some requests for facilities expansion at Park Vista  
15 and some review of facilities issues at Leonville Elementary.  
16 We just wanted to make the Court aware of that. We've reviewed  
17 the information for Park Vista and I've sent a further  
18 information request seeking further information regarding the  
19 necessity for some of the proposed renovations pending that --

20 THE COURT: Well, let me ask you about this, because,  
21 again, I've been keenly aware, and Mr. Scott Richard has  
22 brought this up several times, and I believe there is, in a  
23 vacuum, there's certainly need at Park Vista. And I've already  
24 given the glowing report of Park Vista, the quality of school  
25 it is educationally and how it actually seems to be working

1 with keeping a doggone good balance and keeping academic scores  
2 up. It's a model school, in my view, in that parish and  
3 probably in the state. But we don't exist in a vacuum.

4 The plan that you have submitted to the  
5 superintendent now, is that going to impact, or could it  
6 impact, or may it impact the request that's before you?  
7 Because Mr. Richard has -- and again, I think my response, I  
8 mean, was always, "Well, we've got this plan coming,  
9 Mr. Richard." And I think that was a fair statement then.  
10 What's your view now?

11 MS. TAYLOR: Without publishing the information  
12 within the plan, we don't think it will affect Park Vista.

13 THE COURT: So you're going to be able to make a  
14 stand-alone decision as to the request that's on your plate  
15 now?

16 MS. TAYLOR: Well, the challenge we have, Your Honor,  
17 is that in July of 2007 we had requested the district make a  
18 district-wide assessment of all of their facilities as opposed  
19 to bringing project by project, by elementary school, by high  
20 school, depending upon the needs of the day or the month or the  
21 week, and so our concern is that if we continue to piecemeal  
22 any review of the facilities without taking a, standing back  
23 and taking a district-wide approach to reviewing the quality of  
24 the facilities, we may run into some challenges in the future.  
25 So that is our concern.

1           But, hopefully, based -- I have visited the campus.  
2 I think I was there in February or January when I was last  
3 here, and I do recognize that there are some concerns with  
4 capacity as well as the fire marshal's concerns that have been  
5 expressed. And so should we get this information, we may be in  
6 a position to make an assessment as to whether Park Vista in  
7 and of itself should be addressed. Notwithstanding that,  
8 though, we would require the district, as we said in July, to  
9 make a district-wide assessment of their facilities to  
10 determine what their needs are and also to revisit the plan  
11 that was established by Moreau's office, and that is the  
12 portable replacement plan which deals with the facilities.

13           THE COURT: I'm sorry, again. Revisit the plan to  
14 establish?

15           MS. TAYLOR: The portable replacement plan, Your  
16 Honor, has been suspended, and that was the plan that the  
17 parties had agreed to in March of 2004. And so what I'm trying  
18 to say is that we do need to look at all the facilities, all  
19 the needs within the school district.

20           THE COURT: All right. So if I understand it, and I  
21 want the board members to understand, you're saying, you know,  
22 we made the request back in July of last year that we get a  
23 district-wide approach. It does not escape me -- and,  
24 Superintendent Nassif, if you'll correct me if I'm wrong. You  
25 came on as an interim superintendent in about what time?

1 SUPERINTENDENT NASSIF: June 1, Your Honor.

2 THE COURT: And you got to be the superintendent what  
3 time?

4 SUPERINTENDENT NASSIF: September.

5 THE COURT: This would not be the first time that  
6 something dropped through the cracks, and that was part of what  
7 I think Mr. Washington alluded to, and certainly what I alluded  
8 to and today what I meant, is that when you change horses in  
9 the middle of the stream, stuff happens. Okay?

10 Now, I don't want to go back where we've already  
11 visited, but, again, it does make complete and logical sense to  
12 me that you've got to look at this as a system. You ought to  
13 do that, it's good business practices anyhow, but in the  
14 context of this segregation case that you're trying to get over  
15 with, the government's request is entirely appropriate and  
16 reasonable.

17 Superintendent Nassif, I see you nodding. You agree  
18 with that just as a general statement?

19 SUPERINTENDENT NASSIF: Yes, sir.

20 THE COURT: All right. Well, I'm going to order you  
21 again to, after you've gotten familiar with this plan, to work  
22 with Mr. Caswell, or whoever else they send in here, to get  
23 with Ms. Taylor, get her what she needs in the form she needs  
24 it, in the format she needs it. And that's -- because that  
25 makes sense. Because I don't want to punish any school,



1 particularly one that's of a great educational quality and is  
2 the star of this case as far as desegregation. Like Park  
3 Vista, I don't want to penalize them; I mean not a minute, not  
4 a second. You can do that, Superintendent Nassif?

5 SUPERINTENDENT NASSIF: Yes, sir.

6 THE COURT: You understand?

7 SUPERINTENDENT NASSIF: Yes, sir.

8 THE COURT: All right. What else have you got there,  
9 Ms. Taylor?

10 MS. TAYLOR: Yes, Your Honor. As the Court is aware,  
11 this Court ordered the United States as well as the school  
12 district to address this outstanding issue of providing a  
13 reasonable accommodation to a student and some other students  
14 at Port Barre Elementary School. The Court initially issued an  
15 order from the bench in September, again in December, and then  
16 a written order late December, and again we revisited this  
17 issue in January and it appears, based on information that I  
18 have received from the complainants, that this issue has yet to  
19 be addressed, and that is that they do not have what has been  
20 identified as an appropriate sensory room for the students who  
21 have autism at Port Barre Elementary School.

22 THE COURT: Well, let me just say that grieves me  
23 greatly. Superintendent Nassif, you want to address that  
24 issue? Because I believe Ms. Taylor wouldn't say it if she  
25 didn't believe it to be absolutely true. What's the deal? And

1 come on around here, Superintendent Nassif.

2 MR. BUDDEN: Excuse me, Your Honor. May I be  
3 excused?

4 THE COURT: You absolutely may.

5 MR. BUDDEN: Thank you, sir.

6 SUPERINTENDENT NASSIF: Yes. We have addressed that  
7 issue on several occasions. The first occasion that we  
8 addressed the issue was to remodel a room that was sufficient  
9 in size. Unfortunately, the exterior of the building was not  
10 sufficient to meet the facilities that Ms. Taylor inspected,  
11 and she brought a little piece of that. We did have a  
12 structural engineer that came into that building, and we  
13 reviewed the findings there. We also had a mold test done.  
14 Those issues were found that we had no problems with that  
15 building. However, in the interim we relocated that sensory  
16 room to a perfectly good temporary building. We divided that  
17 room into quarters. The child attended that room. And there  
18 has since been made additional accommodations. So we did try  
19 to accommodate the child. That particular school is at  
20 capacity as far as space available, and we have met with the  
21 parent on occasion to try to eliminate that problem.

22 THE COURT: All right. Well, let me tell you what --  
23 Ms. Taylor, go ahead.

24 MS. TAYLOR: I just want to clarify. They have --

25 THE COURT: Come on up here so we can hear you. I'm

1     having a --

2             MS. TAYLOR:   Yes, Your Honor.   The United States does  
3     not dispute the fact that they've made an effort to attempt to  
4     address this outstanding issue, but the fact is that the  
5     efforts are not successful.   My understanding, based upon a  
6     conversation on Friday or Thursday of last week with the  
7     parent, is that the child, for the purpose which this room is  
8     designated, cannot use the room because other children need it,  
9     and so he's been made to go outside of this facility, walk  
10    outside the building, which we don't consider to be a  
11    reasonable accommodation.   And so, obviously, our concern is  
12    that that -- this goes back to looking outside the box and  
13    having a district-wide approach, even a school-based approach.  
14    If in fact you have students -- the reason why they can't  
15    accommodate this one student is because they have several  
16    students who have needs.   But they fail to look at that and  
17    make accommodation that will accommodate all the students at  
18    that school, and that is our concern.

19            THE COURT:   All right.   Well, before I give  
20    Superintendent Nassif or Mr. Caswell, or both, the opportunity  
21    to make a response, I want to say this.   First of all -- and  
22    I've said it before and I think Superintendent and the school  
23    board knows this.   I'm not saying it is, but this very well  
24    could be -- because I'm not making a judgment -- a violation of  
25    federal law.   It is one of those kind of cases when I was

1 talking to Mr. Miller about attorney's fees that when the judge  
2 gets to see them and after -- let's suppose somebody filed a  
3 suit against the school board and the school board lost the  
4 lawsuit. Then the judge gets to set attorney's fees for the  
5 party that won. And that's when you do the hourly thing, and  
6 that's when I alluded to Mr. Caswell I haven't approved a fee  
7 that low in a long time by the hour. But I know,  
8 Superintendent Nassif, you know I told you, not about the  
9 attorney's fees maybe, but it's against federal law.

10 SUPERINTENDENT NASSIF: Yes, sir.

11 THE COURT: Now, Ms. Taylor you just stand there.

12 And you or Mr. Caswell, or both of you, want to come  
13 up to the lectern and make whatever response you think is  
14 necessary and appropriate. You can do it in whatever order you  
15 think.

16 MR. CASWELL: I feel compelled to respond, even  
17 though I think Mr. Nassif can probably do it, Your Honor.  
18 Ms. Taylor says, "Yes, they did these various things, but we  
19 find them insufficient." Well, when they were done, they were  
20 not. It's a moving target and some things have changed. And  
21 recently I contacted Ms. Taylor about approval of another  
22 portable building for the next school year there because of the  
23 growth that is occurring and because of the things that are  
24 changing. It's not that we didn't address the problem as it  
25 came up; it was addressed and then something else happened with

1 another special needs child that required the use of the  
2 particular room that was designated for the child who  
3 originally it was designated for. It's because of those things  
4 changing.

5 In addition, the principal, Ms. Mazie Taylor, sent a  
6 letter to us asking us not to do any further construction or  
7 repair till the end of the school year because the year-end  
8 testing was being disrupted and it was causing educational  
9 problems for the children. So that's why we've requested that  
10 we be allowed to put another portable building there at the  
11 conclusion of this school year to hopefully address what  
12 appears to be a growing special needs population at that  
13 particular school.

14 THE COURT: All right. That's an explanation. I  
15 understand. Ms. Taylor, does it ameliorate in any sense  
16 anything you said or any request you might make of the Court?

17 MS. TAYLOR: Your Honor, I'm aware of all this  
18 because I've been participatory in this process, and the answer  
19 is no. My main concern is that we have had a student with  
20 special needs since September, who has been identified with  
21 special needs, and here we are almost in May and that has not  
22 been addressed. And I think we need to think of the concerns  
23 of that person, that student, and the other -- and obviously  
24 the other students. At no point am I indicating that the other  
25 students' interests were not there, but my understanding is

1 that the other students were also in attendance at that school  
2 in September and the school should have been aware of other  
3 needs.

4 THE COURT: And thus your suggestion that it ought to  
5 be approached as a district-wide problem, not just this school,  
6 this child?

7 MS. TAYLOR: Yes, Your Honor.

8 THE COURT: I understand. I tell you what I'm going  
9 to do, because I entered a specific order because I -- I think  
10 that was in December. December 6, I believe. I entered a  
11 verbal order before, but I entered a specific written order  
12 saying I want this taken care of within 24 hours, or 48 hours,  
13 or something. I think it was December 6, but the record is the  
14 record.

15 What I'm going to do, I'm going to appoint, at school  
16 board expense, a contractor that I have great confidence in --  
17 he's not a certified architect, but he has an architectural  
18 background and maybe degree; certainly training -- who assisted  
19 the judges of this court when we were building this courthouse  
20 to make sure that the people that the GSA, the Government  
21 Services Administration, the outfit that owns this building,  
22 all the federal buildings -- they had hired somebody to watch  
23 the contractor, and we hired him, the Court did. The clerk of  
24 our court hired, at the request of the judges, our watchdog to  
25 watch the government's watchdog to watch the contractor.

1           Now, I will tell you this: As lavish as some of you  
2 may think this building is and truly as fine as it is, we came  
3 in under budget. We got a lot more bang for the buck. And  
4 whatever we paid him at the hourly rate -- and I've forgotten  
5 what it was back then, but my belief is he makes \$85 an hour  
6 now, or will charge \$85 an hour for something like this.

7           I'm going to order him to report, to make an  
8 investigation, report what needs to be done, and for the school  
9 board to pay his fee at \$85 plus his expenses. And then, based  
10 on what he says -- and if we need to have a hearing, I'll have  
11 a hearing, because everybody's got a right to say what they  
12 want to say, or you can say we don't need a hearing, we're just  
13 going to do what he said.

14           Because enough is enough on this, too. And I  
15 believe, again, everybody is in good faith, but this is not the  
16 way to proceed. And again, what will happen, members of the  
17 school board, you will get sued. If they prevail, you loose,  
18 you pay attorney's fees. Again, it won't be \$125 an hour; it  
19 will be a lot more than that, certainly more than \$85 an hour.  
20 I can't imagine it being a very big expense for this gentleman  
21 to go over there. But I'm going to make sure he can do it,  
22 make sure he's willing to do it. He's from New Iberia and a  
23 first-class human being, and I have great confidence in him.

24           So that's how I'm going to handle that. Understood,  
25 Superintendent Nassif?

1 SUPERINTENDENT NASSIF: Yes, sir.

2 THE COURT: Mr. Miller, president of the school  
3 board, understood?

4 MR. MILLER: Yes, sir.

5 THE COURT: Just put it up there every time I say it.  
6 I suspect everybody will say, "Well, that's what the judge  
7 said."

8 MR. MILLER: Yes, sir.

9 THE COURT: What else have you got, Ms. Taylor?

10 MS. TAYLOR: We did want -- -- we will be requesting  
11 some information, in addition to the aforementioned items,  
12 regarding the progress of the district's plan to address the  
13 racial disparity of students identified with, I think it's mild  
14 mentally disabled, and so we -- we understand there was some  
15 kind of plan implemented in November of 2007 or in 2008, so we  
16 just want a status of that and we expect to see some  
17 information regarding that.

18 THE COURT: Mr. Budden, you can stay back there if  
19 you want. We're about through, Mr. Budden, I believe, if you  
20 want to. You can stay back there if you want to. It's up to  
21 you, your choice. You can come on in if you want to.

22 MR. BUDDEN: Thank you, sir.

23 THE COURT: All right. Mr. Caswell, you want to make  
24 a response to that, if you could?

25 MR. CASWELL: Yes, sir. According to Mr. Nassif, we



1 would like to have our director of special education respond to  
2 that, if he can, as to how we're going on that plan, what  
3 progress is being made.

4 THE COURT: All right. If you'd come on up here and  
5 identify yourself first, and let's see what's going on right  
6 quick while we're all here.

7 MR. GUI LLORY: Thank you, Your Honor. What has been  
8 happening --

9 THE COURT: If you'd state your full name.

10 MR. GUI LLORY: Joseph A. Guillory. I'm Director of  
11 Special Ed for St. Landry Parish school system.

12 THE COURT: Thank you.

13 MR. GUI LLORY: As of January 23, I think it was, the  
14 last court hearing that we had here, we established a committee  
15 that I chaired to come up with a plan to solve the  
16 disproportional ity issue in regards to response to  
17 intervention. That plan was submitted to the superintendent  
18 and ultimately submitted to the St. Landry Parish School Board  
19 for their review. It is also my understanding that the plan  
20 was also submitted to the Justice Department, that is,  
21 Ms. Taylor, for her review.

22 At the present time, the plan consists of a program  
23 that we are going to implement to solve the disproportional ity  
24 issue in regards to a program called STEEP. This program has  
25 a -- let me back up.

1           We have given a substantial timeline of training,  
2 in-service implementation dates, as well as we have made  
3 specific recommendations as to its implementation in terms of  
4 personnel required for such an implementation. The  
5 implementation should begin in May in regards to having webinars  
6 where the person, Dr. Joseph Whit from Florida, will present  
7 information to the approximately 30 individuals who will be the  
8 trainer of trainers in regards to this program. Three schools  
9 have been selected in St. Landry Parish to begin the  
10 implementation. That is Park Vista, Southwest, and North  
11 Elementary. The timeline runs from May of this year, Your  
12 Honor, up until 2009.

13           As you are aware, such a program, in terms of looking  
14 at statistical data, it will take approximately three to four  
15 years to see any really substantial change in regards to the  
16 number of students, of minority students who are diagnosed, if  
17 you will, as mildly mentally disabled or the other  
18 exceptionalities that are in question.

19           THE COURT: All right. Thank you, sir.

20           Ms. Taylor, were you familiar with this gentleman?

21           MS. TAYLOR: Oh, yes, I met Dr. Guillory.

22           THE COURT: You have any questions of Mr. Guillory --

23           MS. TAYLOR: Very impressive, very thorough --

24           THE COURT: -- or Superintendent Nassif?

25           MS. TAYLOR: -- and we look forward to reviewing the

1 plan and also looking at the results. In addition to that, we  
2 will ask for information. I understand the three schools  
3 they've chosen are Park Vista, Southwest, and North Elementary.  
4 We would like to see the plan of implementation for the schools  
5 after the three you designated. So we'll be looking forward to  
6 that information.

7 THE COURT: Thank you, ma'am.

8 Thank you, Mr. Guillory.

9 MR. GUILLORY: You're welcome.

10 THE COURT: Anything else, Ms. Taylor?

11 MS. TAYLOR: Nothing further, Your Honor.

12 THE COURT: Mr. White, anything that we need to  
13 address --

14 MR. WHITE: Yes, Your Honor.

15 THE COURT: -- from your perspective that has not  
16 previously been addressed?

17 MR. WHITE: We would request a short bar conference,  
18 if possible.

19 THE COURT: All right. Does this need to be on the  
20 record or just off the record?

21 MR. WHITE: Well, I don't think. It depends upon the  
22 Judge's --

23 THE COURT: Well, let's do it off the record; we'll  
24 try it that way and then we'll see. Okay?

25 MR. WHITE: All right.

1           THE COURT: We'll just meet you right over here by  
2 Ms. Hayes.

3                           (Side bar had off the record.)

4           THE COURT: All right. Mr. White, other than the  
5 matter that we just resolved, is there anything else you'd like  
6 to bring to the Court's attention?

7           MR. WHITE: I have nothing, Your Honor.

8           THE COURT: Thank you, sir. Mr. Caswell?

9           MR. CASWELL: Nothing further, Your Honor.

10          THE COURT: All right. And again, I just want  
11 everybody here, in whatever role you serve, just keep on doing  
12 the best you can under the oath we all took to do our jobs.  
13 And remember, if you can believe it or not, it would be like  
14 taking those other three wisdom teeth out. I don't like this  
15 any more than one of you who feels the greatest abused by being  
16 here today.

17                       Thank you all. We're in recess.

18                           (Proceedings concluded at 3:18 p.m.)

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## C E R T I F I C A T E

I, Marie Moran Runyon, Official Court Reporter, do hereby certify that the foregoing pages numbered 1 through 92 do constitute a true and correct record of proceedings had in said Status Conference to the best of my ability and understanding.

I certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

Subscribed and sworn to this 1st day of May, 2008.

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