

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE-OPELOUSAS DIVISION

MARILYN MARIE MONTEILH, : DOCKET NO. 65-10912  
 :  
 Plaintiff, :  
 vs. : June 14, 2007  
 :  
 SCHOOL BOARD OF ST. LANDRY PARISH, :  
 :  
 Defendant. : Lafayette, Louisiana

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REPORTER'S OFFICIAL TRANSCRIPT OF THE QUARTERLY MEETING  
BEFORE THE HONORABLE TUCKER L. MELANCON  
UNITED STATES DISTRICT JUDGE.

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## P R O C E E D I N G S

(Call to order of the court.)

THE COURT: Please be seated. Good morning.

First of all, let me just comment that I'm glad to see we have so many of what I trust to be interested and concerned citizens here today at these quarterly -- at this quarterly status conference.

Part of my thought process back in 2004 was that we ought to do, to the extent we could do, the people's business, if you would, in this 42-year-old plus school desegregation case on the record in court so the people, who, after all, are the ones that not only these fine 13 members of the St. Landry School Board are elected to represent, but that this building, which was built by those folks and others like them around our country with their tax dollars, could see the workings not only of their school board, but of this Court as this Court struggled the past seven years to end what is now a 42-year-old school desegregation case. So I'm glad to see a lot of folks here.

I would encourage not only that you come, whenever you have the opportunity, to court here to see this Court's actions as it relates to matters that affect greatly your lives, but I would encourage you also to try to start going to your school board meetings.

I read all the transcripts. I know what goes on at the school board meetings. It's an important part of my job. And in

1 my view it's unfortunate, because I believe it to be true, that  
2 not many or not near enough people in St. Landry Parish really  
3 pay close attention to what goes on at their elected members'  
4 meetings.

5           And it was for that reason that sometime ago I ordered  
6 that the minutes of those school board meetings be placed on the  
7 school board's website because everybody can't go to every school  
8 board meeting. And unfortunately not everybody has access to the  
9 Internet, but many people who can't go to the school board  
10 meetings do have such access, and if they care to, or maybe I  
11 should say if they care enough to, they can have access to what  
12 it is that their elected representatives say.

13           And also -- and this is not a criticism of my friends  
14 in the media, but they have a lot on their plates, those fine men  
15 and women who cover public meetings such as the St. Landry Parish  
16 School Board meetings. They do the best they can, just like most  
17 all of us do in our day jobs, the best they can with what they  
18 have, but you usually only get a little blurb about what actually  
19 went on at the school board meeting.

20           In my experience way before I was a Judge, the events  
21 that I participated in in my life, and certainly within my  
22 experience since I've become a Judge, sometimes I'll read an  
23 article and I'll say, gee, not only was I there, but I'm the  
24 Judge. I didn't know that. So, again, that's not a criticism.  
25 It's just the human condition.

1           So seeing what the people's elected representatives and  
2 their appointees, employees, the board -- not the individual  
3 members because they're not the employers of the school  
4 personnel. It's the school board that's the employer, but you  
5 get to read what they say.

6           And I'm not unmindful of what the Supreme Court of the  
7 United States has said, and we see this in the court family all  
8 the time. That's why they give district judges such as myself  
9 such great discretion when you have a proceeding, whether it's a  
10 trial or a proceeding like this on the record, that the reviewing  
11 court, the appellate court, and in my case because I'm in  
12 Louisiana, the Fifth Circuit -- and the court down there is in  
13 New Orleans. It gets to, if you would, grade my papers for all  
14 of you who are school teachers or educators, and they cover the  
15 states of Texas, Louisiana and Mississippi.

16           And when somebody feels aggrieved at what I do or what  
17 the judges in those three states do, they get to appeal and they  
18 go down to New Orleans. Frequently they just do it on the  
19 writings of the lawyers and sometimes they allow the lawyers to  
20 go have oral argument to supplement what they've written, but the  
21 Supreme Court has said that you cannot glean -- these appellate  
22 judges who grade my papers -- from a cold, sterile record or  
23 transcript the demeanor of the people in the meeting, or in this  
24 case the courtroom, and whatever credibility calls that the Judge  
25 in a court proceeding makes about the witnesses, about who's

1 telling the truth and who's not telling the truth, because  
2 frequently it's not juries who have to make that credibility  
3 call. It's judges like me. And, of course, like all of you,  
4 judges make mistakes, but, at any rate, it's the best we can do.

5           So those of you who are here, welcome. Stay involved.  
6 It's important. It's particularly important right now. This  
7 school system in your parish is at a tremendous crossroads, not  
8 only as it relates to issues in this 42-year-old plus school  
9 desegregation case, but your school system, which, after all, is  
10 your future for your children, but enough said. You're welcome  
11 to be here.

12           We are convening in Civil Action Number 65-10912,  
13 Monteilh and others vs. the St. Landry Parish School Board. This  
14 is the regular quarterly meeting that this Court conducts on the  
15 record with school board members, the superintendent, the  
16 superintendent's senior staff, and lawyers for all of the  
17 parties, and has been doing so, from my best determination, since  
18 at least 2004. I've met other times with the school board on the  
19 record, and I've issued certain orders and done certain things,  
20 some of them written, some of them verbal, but we started meeting  
21 regularly in 2004.

22           And the purpose for that, so all of you who are here  
23 will know, is when I inherited this case from Judge John Shaw who  
24 passed away in December of 1999, I think it was only 36 -- maybe  
25 it was 35 years old then. And as many of you know, I also have

1 the Evangeline Parish school desegregation case, which was filed  
2 the same year in 1965, a little bit after, as I recall, this  
3 case, but I realized that these cases were never going to end  
4 unless the Judge presiding -- and it's certainly not a criticism  
5 of Judge Shaw. I don't mean it that way. Nobody should take it  
6 that way because I probably presided over 15 school desegregation  
7 cases in my 13 and a half years as a Judge and I did just what my  
8 colleagues did before. If it wasn't broke, I wasn't going to fix  
9 it or try to fix it.

10 If the government or the school board didn't bring an  
11 issue to me, I wasn't out there looking for work, but I realized  
12 that these cases would never go away unless we had some direct  
13 judge involvement and got the lawyers talking and trying to  
14 cooperate with each other and try to figure out who the players  
15 were. So that's the course I took. That's what led to this  
16 history.

17 And I didn't mean to go on that long about it, but as  
18 some of the people who are here on a regular basis know,  
19 including you school board members, I tend to talk a lot and I  
20 apologize for that. I'm going to do a good bit of that today  
21 probably, but, at any rate, at this time I would ask that the  
22 attorneys in the case identify themselves for record purposes  
23 starting with the attorney for the original plaintiffs.

24 MR. WHITE: Good morning, Judge. Marion Overton White,  
25 Opelousas, for the original plaintiffs.

1 THE COURT: Now the United States.

2 MS. TAYLOR: Good morning, Your Honor. Lisa Taylor  
3 representing the United States with the office in D.C.

4 MS. VINCENT: Your Honor, Katherine Vincent for the  
5 United States, U.S. Attorney's Office, Assistant United States  
6 Attorney.

7 MR. WASHINGTON: Good morning, Your Honor. Again, Don  
8 Washington, United States Attorney for the United States. And I  
9 would also like to introduce to the Court my law clerk for the  
10 summer here in Lafayette, Nicholas McGlawn, from the SMU Law  
11 School who's sitting behind me.

12 THE COURT: Well, welcome. And for those of you --  
13 before I let Mr. Caswell introduce himself for the record, for  
14 those of you who are new to this courtroom and this proceeding,  
15 Ms. Taylor is from the United States Department of Justice in  
16 Washington, D.C. She is the -- and I don't want to mess this up,  
17 Ms. Taylor -- deputy -- what's your title exactly?

18 MS. TAYLOR: Your Honor, my title is attorney, and I  
19 work under Deputy Franz Marshall who is responsible for  
20 approximately 25 states in the country.

21 THE COURT: All right. And you report to Mr. Marshall.  
22 Mr. Marshall over the years has had direct involvement in this  
23 case. In fact, as recently in the last year he's made two  
24 appearances here, I think, in this courtroom. He's been at a  
25 number of these status conferences, right?



1 MS. TAYLOR: Yes, Your Honor.

2 THE COURT: Okay. And so you will know, Ms. Vincent  
3 who introduced herself seated next to Ms. Taylor is a deputy --  
4 or is an Assistant United States Attorney here stationed in  
5 Lafayette. Mr. Washington is the U.S. Attorney for the Western  
6 District of Louisiana.

7 The Western District of Louisiana consists of the 42  
8 parishes that lie to the west of the Mississippi River bordered  
9 on the north by Arkansas, on the west by Texas, and on the south  
10 by the Gulf of Mexico.

11 Mr. Washington is an appointee of the President that  
12 requires senate confirmation. He has served in that capacity for  
13 approximately the last six years. And as U.S. Attorney for the  
14 Western District of Louisiana, he is the highest law enforcement  
15 officer, federal United States -- the United States law  
16 enforcement officer in the Western District, and it's always not  
17 only a pleasure, but an honor to have Mr. Washington participate  
18 in these proceedings, which he has done on a number of occasions  
19 over the last several years.

20 So thank you very much for being here, Mr. Washington.

21 Mr. Caswell, your bat.

22 MR. CASWELL: Thank you, Your Honor. Gerard Caswell  
23 representing the St. Landry Parish School Board.

24 THE COURT: Thank you, sir.

25 At this time I would ask that the members of the school

1 board -- and we'll just start with the president and we'll go to  
2 the vice-president. Then we'll come back down here to the first  
3 row and we'll take it in order and we'll go back that way. If  
4 they'd identify themselves for the record and then go ahead and  
5 identify the district -- as they do that, identify the office  
6 they hold and the district they represent.

7 MS. EAGLIN: Good morning. Elinor Eaglin representing  
8 District 2 serving as president of the board.

9 MR. MILLER: Good morning. Vice-president of the  
10 board. I represent District 3.

11 THE COURT: All right. That's Mr. John Miller.

12 MR. MILLER: I forgot to say my name, Your Honor.

13 THE COURT: Well, I think you did, sir. At any rate --

14 MR. MILLER: My apologies. John Miller.

15 THE COURT: All right.

16 Yes, sir.

17 MR. CARRIERE: Ronald Carriere, District 6, St. Landry  
18 Parish School Board.

19 MR. WYBLE: Huey Wyble, District 7, Executive  
20 Committee.

21 MR. YOUNG: Roger Young, District 11, St. Landry Parish  
22 School Board Member.

23 MR. BOSS: Kyle Boss, District 8, St. Landry Parish  
24 School Board.

25 MR. STANDBERRY: Anthony Standberry, District 1, St.

1 Landry Parish School Board.

2 MR. RICHARD: Quincy Richard, District 10, St. Landry  
3 Parish School Board.

4 MR. BUDDEN: Marx Budden, District 5, St. Landry Parish  
5 School Board.

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

7 Now, Mr. Caswell, there are a number of people that are  
8 new to this courtroom, one who's seated at your table and some  
9 others who are seated inside the well. And I happen to recognize  
10 the interim superintendent -- and if I've met Mr. Nassif or  
11 Superintendent Nassif before, I apologize. I don't recall that,  
12 but I've seen his picture in the paper recently online. So I  
13 recognize him to be that person.

14 MR. CASWELL: I rise, Your Honor, because there are  
15 members on the back row that have not been introduced of the  
16 school board.

17 THE COURT: Excuse me. You've got to forgive me. I  
18 apologize.

19 Mr. Fruge, I apologize profusely. Go ahead.

20 MR. FRUGE: Harry Fruge representing District 13, St.  
21 Landry Parish School Board.

22 MR. RICHARD: Scott Richard, District 9.

23 MS. FRANK: Josie Frank representing District 12.

24 THE COURT: All right. And, Mr. Richard and Ms. Frank,  
25 please accept my apologies also.

1           And, Mr. Budden, before I get to Mr. Nassif, I want to  
2 thank you. You gave me an envelope. I opened it right as we  
3 came into court when I got through with that last criminal  
4 proceeding, and I can't tell you how much I appreciate that.

5           And we had had a brief conversation sometime previous  
6 and I've forgotten when. This is the address of Ms. Marilyn  
7 Marie Monteilh, the original plaintiff in this case, and I intend  
8 to check her out, look her up and thank her for what she started,  
9 and I'm just sorry I haven't been able to finish it sooner back  
10 in 1965 when she filed this case.

11           So I appreciate that very much, Mr. Budden, and I will  
12 do that forthwith. Thank you.

13           All right. Now, Mr. Nassif or Mr. Caswell for  
14 Mr. Nassif.

15           MR. CASWELL: I'll let him introduce himself.

16           THE COURT: All right.

17           MR. NASSIF: Good morning, Your Honor. I am Michael  
18 Nassif, the interim superintendent for the St. Landry Parish  
19 schools. It is indeed an honor to be here this morning, Judge,  
20 and it's quite unique. In 1969 I graduated from Palmetto High  
21 School with Marilyn Monteilh.

22           THE COURT: Is that right? Well, I haven't looked at  
23 the address, but since you know her, maybe you know this and you  
24 can tell me because you graduated in '69. I graduated in '64  
25 from Bunkie High right down the road.

1           To your recollection when were African-Americans first  
2 admitted -- because you must have been in the time during the  
3 changeover in your particular school of Palmetto I think you  
4 said?

5           MR. NASSIF: Yes, sir.

6           THE COURT: When was that that Ms. Monteilh might have  
7 joined in or Ms. Monteilh and the other African-Americans had the  
8 opportunity to join in at the same school you went to?

9           MR. NASSIF: That was 1966, Your Honor. And the way we  
10 did it at Palmetto High School was we were able to bring children  
11 from Melville and the surrounding areas to Palmetto High School.  
12 We started in the lower grades at kindergarten and first grade  
13 one year, and we also -- the children at junior high -- excuse me  
14 -- juniors in high school and seniors in high school. Each year  
15 the children progressed up through the grades. So that's the way  
16 immigration was done at Palmetto High School during that time.

17           THE COURT: Well, I appreciate that information. I  
18 didn't know you would know that and I didn't know I would be  
19 getting this from Mr. Budden this morning, but that's good to  
20 know. And I do intend to look up -- try to contact Ms. Monteilh  
21 shortly just to -- I would like to meet the lady that I've said  
22 her name many times. I just would like to meet her.

23           I want to welcome you. I wish you the best of luck in  
24 your new endeavor. I understand -- or I understand -- I suspect  
25 by now if you didn't understand before June 1<sup>st</sup>, you understand

1 now many of the issues as it relates to this case that are a  
2 heavy load for a person in your position. And you're interim now  
3 and maybe you'll be permanent. I don't know. That will be up to  
4 the people's elected representatives, but you or whoever succeeds  
5 you as permanent superintendent, there's a tremendous history  
6 here on the record in this court where I've given specific  
7 written and verbal orders.

8           And I will say this. There was a comment made by  
9 Ms. Eaglin, the president of the school board, at one of the  
10 recent meetings about Mr. Caswell. She questioned who he  
11 represented, the superintendent or the board, but you've got a  
12 fine lawyer there and the school board has got a fine lawyer and  
13 the people of St. Landry Parish have a fine lawyer.

14           It would be -- in my view for you or whoever follows  
15 you, it would be like walking across a field of land mines hoping  
16 you didn't step on one. He's got an institutional memory and a  
17 relationship with the lawyers for the government and for the  
18 original plaintiff that is indispensable.

19           This school system has lost a lot of the relationship  
20 that it has shared not only with this Court, but with the  
21 government and the original plaintiffs by the recent events, and,  
22 again, that's not something a federal judge should or could be  
23 concerned with except as it relates to the case. And, again, you  
24 or whoever follows you, this is serious business. It just really  
25 is.

1           And, again, I have taken the tact -- and I'm going to  
2 tell you my tact has been -- and these individual school board  
3 members, certainly the ones who have been on the board that  
4 didn't just come on this time, and that's two, and maybe those  
5 two have heard it because Mr. Quincy Richard has been on the  
6 board before.

7           I used a football metaphor before that I would be a  
8 pulling guard and I would be running interference for the St.  
9 Landry Parish School Board and its superintendent and senior  
10 staff as long as I thought they were in good faith, as long as I  
11 believed they weren't trying to hide the ball, and I didn't care  
12 if I ran interference against the Justice Department or the  
13 original plaintiff because it was my view that this school  
14 desegregation case, like all of them, needed to end.

15           And if it hadn't been for actions of previous boards  
16 and superintendents over the years, you being a native of the  
17 parish and I'm right down the road from Avoyelles, you know --  
18 you're old enough to know what we -- and I mean "we"  
19 collectively -- white folks did to black folks. That's just the  
20 way it was. At any rate, that was my intent.

21           I've got to tell you that the lay of the football field  
22 -- going back to that metaphor -- has changed a little bit. The  
23 lay of the football field has changed. And it's not like I'm  
24 saying something new here and this is the headline. This has  
25 been a repetitive theme as will become apparent, I suspect,

1 during this meeting of what this Judge has said, what that United  
2 States Attorney has said, what Ms. Taylor has said, what  
3 Mr. White has confirmed, and what Mr. Franz Marshall -- he's the  
4 meatball. I don't mean to say Ms. Taylor is the spaghetti, but  
5 Mr. Marshall is the meatball in the Justice Department up there.  
6 He's been with them over 30 years.

7 I've said before, and these school board members have  
8 heard me say it, he's a great American because he's been doing --  
9 he's been carrying the water for a long time.

10 So welcome. I want to work with you. I assure you  
11 that any time you need to get in touch with this Court, all  
12 you've got to do is get with Mr. Caswell and I'll try to  
13 accommodate my schedule to your and Mr. Caswell's schedule, and  
14 we'll just keep clicking the best we can. I wish you very, very  
15 good luck, and I hope nothing I do here today or say here today  
16 in any way impedes your ability or the ability of the next  
17 superintendent, if that is not you, to work toward the end of  
18 this case.

19 And I want you to know, not as the Judge to the interim  
20 superintendent, but as one man to another, one human being, if  
21 you would, looking you in the eye telling you this, I'm doing the  
22 best I can. All I can ask you to do is do the best you can.

23 MR. NASSIF: Thank you, Your Honor, and I do pledge to  
24 do the very best I can to move this case along.

25 THE COURT: If you would, you could perhaps introduce



1 those members that appear to be, to me at least, new to the  
2 inside of the well, the positions they hold, and you could also  
3 introduce those who are not new to me who I know well and I  
4 assume are in the same positions, but I haven't read the minutes  
5 of the last meeting yet and I don't know what's going on.

6 MR. NASSIF: Thank you. It is my pleasure to do that,  
7 Your Honor.

8 At this table we have Mr. Joseph Cassimere who has been  
9 the Assistant Superintendent of Instruction. Our new but not new  
10 person is Tony Olivier. He's back on a temporary interim basis  
11 as Assistant Superintendent of Operation. In the corner is  
12 Mr. Aaron Washington. He is the Director of Special Education.  
13 He's been with us.

14 Mr. Randy Manuel is our Finance Director. Next to him  
15 is Mr. Clifford Carmon. He is our Title I Director. This is  
16 Mr. Larry Lanclos who is Supervisor of Instruction that deals  
17 with the M to M transfers. This is Ms. Joy Hebert. Ms. Hebert  
18 is our Transportation Supervisor. Next to her is Mr. Edward  
19 Brown who is the Child Welfare and Attendance Supervisor and is  
20 acting in Mr. Charles Renaud's position.

21 THE COURT: Well, because you ended with Charles  
22 Renaud, I want to tell you, sir, you've got some big shoes to  
23 follow there, too.

24 MR. BROWN: I agree, Your Honor.

25 THE COURT: It's not only the interim superintendent

1 who has big shoes to follow because he does, and I'm going to say  
2 a little bit more about that later, but Mr. Renaud did a  
3 magnificent job. We're not there, and unfortunately -- I mean, I  
4 hope we get there as soon as we can is all I can say, but  
5 whatever we haven't done, it's not because Mr. Renaud wasn't out  
6 there.

7           And, you know, he had a terrible job to do in dealing  
8 with the parents firsthand who didn't understand why. He just  
9 did his job. It was kind of like -- he reminds me of Ms. Kathy  
10 Soileau a number of years ago when I said we're going to -- in  
11 three years we're going to get all of these faculties across  
12 these 39 schools, or whatever we've got in the system, equalized  
13 out within ten percentage points by race, which is what the law  
14 required. Instead of doing it in one year, I said three years  
15 would give all the teachers enough time.

16           And, of course, she got to be -- I used to call her the  
17 wicked witch, and, of course, Mr. Renaud was the devil. Those  
18 are tough jobs and yours might not be any better because there's  
19 going to be some heartache here.

20           And, of course, I used to tell Mr. Renaud, who I've  
21 known for, I guess, 30 years or thereabouts and been in a few  
22 political wars always on the same side with him in my  
23 previous-to-judge days. At least I think we were. I can't  
24 imagine we wouldn't have been. At any rate, you've got your work  
25 cut out for you, but I look forward to seeing the product of your

1 work.

2 Next, I'd like to say to the superintendent, interim  
3 superintendent, I hope the folks that you bring to the board --  
4 and I trust they are -- are of the same quality that I've  
5 experienced with the ones that remain.

6 And I'll tell you Mr. Manuel is another one. From  
7 reading these minutes, he gets beaten up a lot at school board  
8 meetings because some members apparently don't understand or --  
9 and I don't mean to be crass about it -- don't want to understand  
10 because I've read the transcripts where he goes over the same  
11 thing time and again. It's like one and one is two and that's  
12 never going to change, but he's another guiding light for you and  
13 he was of great assistance to Superintendent Moreau in making  
14 sure that the system stayed fiscally sound, but, at any rate,  
15 welcome. We'll try to do the best we can to do the best we can.  
16 Okay?

17 MR. NASSIF: Thank you, Your Honor.

18 THE COURT: All right. Now, I would ask Mr. White, are  
19 there any issues that the Court need consider from the  
20 plaintiff's -- original plaintiff's perspective at this time that  
21 you need to bring to the Court's attention?

22 MR. WHITE: Your Honor, we would bring the same issue  
23 that the government, I think, will bring and she has it in more  
24 detail. In general we would like to (inaudible) --

25 THE COURT: Mr. White, let me just say -- did you hear,

1 Ms. Bourque, because you turned around.

2 Mr. White, maybe you would -- stay seated right now for  
3 the sake of this discussion -- get that mike next to you. Ms.  
4 Bourque wasn't able to pick you up.

5 MR. WHITE: Do you want me to repeat?

6 THE COURT: Whatever you said so she'll know.

7 MR. WHITE: We would hope that the school board would  
8 become the greatest one in the state in producing scholars  
9 unknown to the State of Louisiana.

10 THE COURT: All right. And, Mr. White, if there's any  
11 issue that the federal government doesn't bring up and you'd like  
12 to address later, you just let me know. You stand up and I'll  
13 recognize you so you can bring that up.

14 MR. WHITE: Thank you.

15 THE COURT: All right. Now, the United States -- and  
16 let me just say I've got a couple of issues that I want to ask  
17 about, and you can naturally, Ms. Taylor or Mr. Washington, or  
18 however y'all are going to do this today, or Ms. Vincent.

19 Of particular concern to me is a letter that I got from  
20 the school board attorney, Mr. Caswell, on June 8<sup>th</sup> wherein the  
21 board requested approval, quick approval for what was described  
22 as QZAB funding, Q-Z-A-B. I know that must be an acronym for  
23 something. It was set out as QZAB, so that's what I'm calling  
24 it. That was for the repair of certain school board properties.

25 And as I recall the letter, and maybe some of what I

1 read online in the Daily World, it was time sensitive because  
2 you've got an opening here to either get the stamp of approval  
3 from the government and then of the Court or these funds  
4 evaporate or go somewhere else.

5 Mr. Caswell, have I correctly stated the substance of  
6 your letter?

7 MR. CASWELL: You're correct, Your Honor. The board  
8 has done what it needs to do to approve the QZAB resolution.  
9 We've gotten bonding commission approval. We've come up with the  
10 list of how we propose to spend the money. And that is what we  
11 are asking because it's our understanding that's what we need to  
12 do is have the Court and Justice approve how we propose to spend  
13 the funds.

14 And, yes, if we don't make the deadline, we do lose the  
15 funding, and it is, in essence, free money in the sense that we  
16 will borrow a certain amount and pay back less than what we  
17 borrow under the way it works because we're allowed to get an  
18 allocation and earn interest on that allocation before we ever  
19 spend it. That's part of how it becomes free money to us.

20 The listing of repairs that we are doing are basically  
21 all roof -- all of the repairs are roofs with the exception of  
22 two major repairs, which has to do with changing out air  
23 conditioning systems at Eunice High School and Opelousas Senior  
24 High School, both of which are in desperate need of replacement.

25 All of the proposed repairs meet QZAB regulations such

1 that we can utilize the funds for it. All of this is repairs  
2 that ultimately the school system was planning on doing but would  
3 have to take years to do it because of the lack of finances. By  
4 doing it this way, we're able to get these funds, do all of these  
5 repairs all at one time to all of these schools than take ten  
6 years to repair.

7 THE COURT: Thank you, sir.

8 Now, let me just say before I give Ms. Taylor an  
9 opportunity to make a response. For those of you who are new to  
10 this proceeding, you might say, well, gee, why would the school  
11 board have to come get approval from the Justice Department and  
12 then come to this Court for something like that that seems like  
13 such a no-brainer?

14 Well, the simple answer is because after 42 plus years  
15 you're still under the desegregation order that started back in  
16 19 -- this case started -- the initial one I think was -- well,  
17 according to what Superintendent Nassif said, at least in '66  
18 when it was signed. It was filed in '65. So that's why.

19 That's one of the great incentives, ladies and  
20 gentlemen, for getting the federal yoke, like the old oxen yoke,  
21 which I perceive this Court to be, off the backs of the people  
22 that you elect to represent you so they don't need to come here  
23 and ask the federal government to approve it and the Court to  
24 okay it after the federal government approves it.

25 Now, the reason for that further, ladies and gentlemen,

1 is in the past, not only the St. Landry Parish School Board  
2 historically, but school boards all over Louisiana and all over  
3 the south did everything they could to make sure under the  
4 separate but equal doctrine, which was okay until 1954, and then  
5 going from '54 to about 1965 and '66 when this case was filed,  
6 and arguably a lot longer because there was still a lot of hiding  
7 involved by the school boards of the day, it wasn't anything  
8 close to equal.

9           And even after the law said there's no such thing as  
10 separate but equal, they kept building schools in areas that  
11 would make sure they remained segregated. They kept repairing  
12 the white schools and not repairing the -- of the day and of the  
13 time, the term that those of you who are old enough, if you were  
14 being kind and polite in that society, the colored schools, and,  
15 of course, as those of you who are old enough, white or black, to  
16 remember most white folks or many white folks, probably most  
17 white folks -- no. Many white folks didn't use that kind term.  
18 They used the "n" word.

19           That's just the world we all grew up in, and that's  
20 hard for some of you younger folks to realize, but, anyhow,  
21 that's the world. So that's why this case is still here after 42  
22 plus years.

23           So, Ms. Taylor, the time sensitive nature of this, I  
24 suspect, I hope, I would implore that there would be no objection  
25 from the government to any of these -- to this request for the

1 QZAB funding nor to any of the requests for repairs unless it  
2 interfered with the plan that was previously approved by the  
3 school board and adopted by this Court after hearing as far as  
4 the reorganization.

5 And I realize, too, that's the first part of the  
6 question. I realize, too, that you need some time probably to  
7 look at it, but the letter was dated June 8<sup>th</sup>.

8 The deadline is when, Mr. Caswell?

9 MS. TAYLOR: June 25<sup>th</sup>.

10 THE COURT: Excuse me. When?

11 MS. TAYLOR: June 25<sup>th</sup> is what he indicated in the  
12 letter.

13 MR. CASWELL: I indicated that we wanted a response by  
14 June 25<sup>th</sup> because we have to have it submitted in July, and I  
15 wanted to make sure that if there were any problems, that we  
16 would have time to do that. It's actually going to be submitted  
17 in July because we got an extension. I used June 25<sup>th</sup> to request  
18 a response from Justice in case it involved an exchange.

19 THE COURT: Excuse me, Mr. Caswell. When is the  
20 deadline for you to get it in their hands?

21 MR. CASWELL: The deadline for the attorneys, as I  
22 understand it, to get it to the Department of Education is like  
23 July 21<sup>st</sup> or something of that nature.

24 THE COURT: Okay. And, again, I understand you want  
25 the 25<sup>th</sup> and, of course, if this was the only case Ms. Taylor had



1 and the only thing that the Educational Opportunities Section of  
2 the Justice Department had, that would be a no-brainer. I hope  
3 it won't be much of a no-brainer and Ms. Taylor says, gee, Judge,  
4 I think I can do that, or, gee, Judge, I don't know, or hopefully  
5 not, gee, Judge, if we approve this list, they're screwing up the  
6 reorganization plan.

7 MR. CASWELL: And, Your Honor, my only intent was many  
8 times -- and I understand that, but many times when we make a  
9 request like this, the Justice Department is going to need more  
10 information, and by giving the June 25<sup>th</sup> deadline, I suspected  
11 that any information that they needed would be transmitted to me  
12 by the 25<sup>th</sup> and, therefore, we'd have time to make the July  
13 deadline.

14 THE COURT: And knowing Ms. Taylor and Mr. Marshall,  
15 I'm sure if they can comply with that requested deadline, they  
16 will.

17 Ms. Taylor, what's the government's position on the  
18 QZAB funding and the specific projects?

19 MS. TAYLOR: At this point we don't have a position  
20 because we did receive it on Friday. What we'd like to do is  
21 take a chance to look at the information and also look at what  
22 effect, if any, it will have on the desegregation process, which  
23 as an added comment, I'd like to say in the future that if in  
24 fact the school district does have things they need to get back  
25 timely, they can make --

1 THE COURT: Ms. Taylor, you're going to have to do this  
2 for me. You're going to have to slow it down a little bit.  
3 You're going to have to come up to this lectern because I can't  
4 hear you.

5 Ms. Bourque has been going at it before we started here  
6 today trying to type her little hands off or fingers off. She's  
7 going to be here with Evangeline Parish after us today as will  
8 you be. So please just let's slow her down and see what we can  
9 do.

10 MS. TAYLOR: Would you like me to start from the  
11 beginning?

12 THE COURT: No. Just keep it a little slower and just  
13 so I can hear you.

14 MS. TAYLOR: Yes, Your Honor.

15 I was saying that in the future it would be helpful if  
16 the district itself would make an assessment as to whether or not  
17 their proposals will affect the desegregation process and that  
18 may facilitate my review.

19 At this point I have to go back and look at what the  
20 racial makeup of the schools are, what other plans are and make  
21 that kind of assessment, but the school district has the same  
22 information that I have. So in an instance where they do have  
23 timely deadlines, that would be of help, but to the extent that I  
24 will be able to look at it, I will be able to respond by  
25 June 25<sup>th</sup>.

1           THE COURT: Great. And I don't think, Mr. Caswell,  
2 unless you say otherwise, that's an unreasonable request for any  
3 future type requests that go to the government.

4           In this instance you may not get this wonderful  
5 opportunity to get what you call free money again or very often,  
6 and it may not be specific projects like this, but anything you  
7 ask them for approval on that may have any effect on the  
8 reorganization or any part of this case, if you could lay out why  
9 it is that you say, well, these requests really won't affect it  
10 and this is why we think it wouldn't affect it, that just  
11 expedites their process.

12           MR. CASWELL: I have no problem and am willing to do  
13 that on the QZAB for them because the schools that are being  
14 repaired range from one to the other. So I'm not concerned about  
15 there being a problem with that.

16           And certainly it's not going to affect, from a  
17 financial standpoint, implementation or further implementation of  
18 the deseg case, and since one of the factors in this case, of  
19 course, is facilities, it will only help in that sense because  
20 all of these facilities, the repairs that are needed such as  
21 roofs, are something that have been looked at when we reviewed  
22 facilities.

23           THE COURT: Well, I think we've got an agreement and a  
24 meeting of the minds. So thank you all on that.

25           Now, the only other question I have before you -- are

1 you finished, Ms. Taylor?

2 MS. TAYLOR: Yes, Your Honor.

3 THE COURT: The only other question I have for the  
4 government, we have a motion to lift the permanent injunction and  
5 declare unitary status as to quality of education curriculum that  
6 was filed back on July the 7<sup>th</sup>, 2006, and that was Record  
7 Document 120 of this proceeding.

8 And it's been pending because as the minutes of these  
9 quarterly status conferences will indicate, there have been some  
10 discussions back and forth between the government and the school  
11 board and Mr. White as to what needed to be done for the request  
12 to be considered by the Court.

13 And could you give us a progress report on that?

14 And then, Mr. Caswell, if you've got a different view,  
15 you could speak up after Ms. Taylor gets the chance to tell me  
16 what the government's view is.

17 MS. TAYLOR: Yes, Your Honor.

18 As late as June 6<sup>th</sup> of 2007 we requested a status  
19 report based upon a March 27<sup>th</sup>, 2007, conference call we had with  
20 district officials regarding three areas that we have identified  
21 as areas of concern as it relates to special education, which is  
22 a subset, if you will, under the quality of education *Green*  
23 factor.

24 And essentially our concern is threefold as I  
25 indicated. We have concerns about the disproportionate number of

1 black students with disabilities being disciplined, the  
2 disproportionate number of black students being identified as  
3 mild mentally disabled, and the districts reporting -- the state  
4 had indicated in a January 8<sup>th</sup>, 2007, letter that the district  
5 may be under-reporting black students identified in special  
6 education.

7 And so those are the three areas that we have  
8 identified as its concern, and I say that to say because they are  
9 of concern, we cannot agree to any motion for unitary status.

10 THE COURT: Okay. And when you say of concern, that  
11 means you need further information and inquiry into the  
12 situation.

13 MS. TAYLOR: We have done that. What we need is a plan  
14 to address it.

15 THE COURT: Okay. So, again, you've made your inquiry,  
16 you've done whatever investigation, and you're saying that we  
17 need a plan.

18 Now, I've been part of this, not a good bit, but  
19 somewhat sometime back, and I had conversations with you and  
20 certainly with Mr. Marshall about the government -- and the  
21 government's not in a position to give advisory opinions to the  
22 St. Landry School System or any, but school systems who have been  
23 successful in implementing such a plan.

24 And I think -- and I may be wrong, but Rapides was one  
25 such system, and I know there was some discussion at one of these

1 very meetings, I believe, that there was going to be some contact  
2 between -- I don't know if it was the superintendent or somebody  
3 in the central staff to go over to Rapides and to meet with them  
4 and see exactly what they did.

5 And do you know -- and maybe Mr. Caswell is the one to  
6 answer this. Do you know if there was follow-up on that?

7 MS. TAYLOR: Yes, Your Honor. It's been my  
8 understanding that the point of contact for Rapides Parish is a  
9 woman by the name of Ms. Connie Chenevert. I think I'm  
10 pronouncing that without my D.C. accent.

11 THE COURT: How do you spell it?

12 MR. CASWELL: Chenevert.

13 THE COURT: Chenevert. Okay. Chenevert.

14 MS. TAYLOR: Okay. Thank you.

15 And as I understand it, Ms. --

16 THE COURT: Who said it that way? Is that how she says  
17 it? Chenevert?

18 MS. TAYLOR: Chenevert, correct.

19 THE COURT: Do you know how to spell it? LaRae, do you  
20 know how to spell it? C-H-E-N-E-V-E-R-T.

21 MS. TAYLOR: Correct, who runs the special ed program,  
22 and Rapides has been meeting with Mr. Washington and at this  
23 point I'm not sure what the result --

24 THE COURT: Okay. Mr. Caswell can let us know.

25 All right. Anyhow, what you're telling me, Ms. Taylor,

1 is it's a work in progress if I understood that.

2 MS. TAYLOR: Yes, Your Honor.

3 THE COURT: Mr. Caswell, anything you want to add to  
4 that about being a work in progress?

5 MR. CASWELL: Just briefly, Your Honor. What  
6 Ms. Taylor has indicated is correct. She gave us a point of  
7 contact with Rapides. Mr. Washington has been in contact with  
8 Ms. Chenevert. In addition she shared information concerning a  
9 similar case in the State of Alabama.

10 Of course, while all of this was being formed,  
11 including a committee that was being formed to put this together,  
12 there are members of that committee who are no longer at the  
13 school board any longer.

14 And, of course, Mr. Nassif came on on June 1<sup>st</sup> having  
15 never been involved in the case. I have been bringing him up to  
16 speed on it. Mr. Nassif, of course, has been involved in  
17 instruction. That was his job before and that's where this  
18 falls. Mr. Nassif is in the process right now of putting  
19 together a committee that will have a plan and we'll be able to  
20 present the plan. In fact, he has a document in front of him  
21 today laying out an established plan that's been used before that  
22 I believe Rapides based theirs off of.

23 So I believe we are going to see some very quick  
24 process with regard to this, and without going out on a limb with  
25 somebody behind me with a saw, I'd be willing to bet that come

1 the next quarterly meeting we'll be ready to roll on that.

2 THE COURT: All right. Well, we'll see.

3 And let me just say that one would have to be deaf,  
4 dumb and blind not to know that there's been other things going  
5 on in the school system since we were last together in March of  
6 this year. So I understand how that has been a change. So I  
7 understand. That's a good explanation. Understood.

8 Now, Ms. Taylor, what else, if anything else, does the  
9 government have they want to put on my plate here today?

10 MS. TAYLOR: We just want to provide status reports of  
11 outstanding issues, Your Honor. It has come to our attention --  
12 we received a complaint in early June of 2007 regarding some  
13 students who were zone jumping from the Lawtell Elementary school  
14 district to Eunice High. We did receive a report as requested  
15 from the school district on June 11<sup>th</sup> and are reviewing that  
16 information to determine whether or not there are any violations.

17 In addition to that, we are reviewing a portable  
18 replacement plan, a response the district had regarding the  
19 replacement of portables specifically at Park Vista Elementary  
20 and should probably respond to the district by the  
21 June 25<sup>th</sup> deadline. So I'll have two pieces of information for  
22 the school district at that time.

23 THE COURT: Okay. That's the portable buildings at  
24 Park Vista and alleged zone jumping at Lawtell?

25 MS. TAYLOR: The zone jumping may take a little longer



1 because I might have to get 911 addresses, but I will report back  
2 to them regarding the portable replacement and the QZAB funds.

3 THE COURT: Now, Superintendent Nassif, that would  
4 fall, if I understood right, and the big comment and praise I  
5 gave Mr. Renaud, under Mr. Brown's watch.

6 MR. NASSIF: Yes, sir.

7 THE COURT: Mr. Brown, that will be your first  
8 assignment. You can start making enemies right away.

9 MR. BROWN: Will do it, Judge.

10 THE COURT: All right. Ms. Taylor.

11 MS. TAYLOR: The next issue was the issue of staff  
12 assignment. We have identified a concern with the assignment of  
13 principals at the schools and have asked for some type of  
14 response from the district as to whether or not they will address  
15 the issue.

16 THE COURT: All right. Now, let me just say for those  
17 of you who are new. The school board members know this and those  
18 of you who have been at these meetings regularly, and I've  
19 forgotten the exact number, but we start with the proposition  
20 that in St. Landry Parish as we speak today, unless there's been  
21 a bunch of retirements and I haven't checked those numbers to  
22 know, but of the 39 or so principals that we have or whatever the  
23 number of schools -- is that right, 39?

24 Would that be right, Mr. Caswell or superintendent?

25 MR. NASSIF: That's correct.

1           THE COURT: There are a majority of those principals  
2 that are African-American. So in a school desegregation case  
3 from a federal judge's point of view, that's a good thing because  
4 you're trying to desegregate the system, and, of course, that all  
5 depends on a lot of factors, the percentage of faculty that you  
6 have to choose from that could be principals anyhow. St. Landry  
7 is blessed because of culture and historical accident, I guess,  
8 to have approximately 40 percent African-American teachers and  
9 60 percent roughly Caucasian or other teachers.

10           The problem is, and why it's before this federal court  
11 right now and why the government is sticking their nose into  
12 where the principals are even though we have more  
13 African-American principals than Caucasian principals, is because  
14 it's against the law, as interpreted by the Supreme Court under  
15 the constitution, for you to maintain schools that are racially  
16 identifiable when you're trying to get -- to throw away the  
17 vestiges of the previously segregated system.

18           So what that means, if all or most of these  
19 African-American principals are at schools that were historically  
20 black before they were integrated and that most of these  
21 Caucasian principals are at schools that were historically white  
22 before these schools were integrated, that's illegal. You can't  
23 do it.

24           So the issue becomes -- and if I stated that succinctly  
25 and correctly from the government's perspective, that's what

1 you're talking about now, is it not, Ms. Taylor?

2 MS. TAYLOR: Yes, Your Honor.

3 THE COURT: All right. So that's a work in progress.  
4 Again, you've asked for more information or whatever.

5 MS. TAYLOR: We're asking again for some action from  
6 the district, what they plan to do to address our concerns. We  
7 would like for the district to make a proposal as to how  
8 principals should be assigned.

9 THE COURT: In other words, so the ball goes to the  
10 school system first. Now, again -- and, Superintendent Nassif,  
11 it's important that you know, I think, and certainly if your  
12 tenure exceeds just an interimship, it's really important.

13 The way this case has proceeded since I got directly  
14 involved in it and because of the good faith of your predecessor  
15 that he earned with both the government and the Court, he  
16 generally made the proposals. He generally did that before we  
17 got -- got the lawyers together. I mean, they did that.

18 And then if they had a little disagreement about this  
19 or that and needed a little tweaking, whatever the school's  
20 superintendent and his senior staff's recommendations were, that  
21 was tweaked with the government and I got involved and then I  
22 resolved that.

23 And then because of the rapport that the superintendent  
24 historically had with the school board, historically because he  
25 did up until this recent board or this current board, he went out

1 and he tried to sell it to his members and say this is why --  
2 from the desegregation case's point of view and what the  
3 constitution requires, this is what has been explained to me and  
4 this is what I propose and this is what we've got.

5 And, you know, I wasn't born yesterday. These are the  
6 people's representatives, but that makes them politicians. They  
7 get elected and they act like politicians as people who get  
8 elected do.

9 And so you need -- you need seven to carry anything, as  
10 you well know, out of a 13 member board, and the superintendent  
11 generally -- and I can remember when he lost his first vote on  
12 anything in his whole tenure, but generally had more than seven,  
13 but on the hard issues like reorganization, it was a seven to six  
14 vote, the ones that it took real guts to stand up to, in my view  
15 if I was a politician in St. Landry Parish, because it wasn't a  
16 perfect plan. It wasn't the Cadillac. It was the Chevrolet.

17 It didn't please a lot of folks who happened to be  
18 Caucasian, but it met constitutional muster, and as I told you  
19 earlier using the football metaphor of being that pulling guard,  
20 just so it didn't make anybody, the government or the Court,  
21 blink at the constitution, I'd let you go with the Chevrolet.  
22 You didn't have to get the Cadillac. And that was based on the  
23 good faith that Lanny Moreau and his staff had with the  
24 government and the Court.

25 So that's the way we've done it. That's what

1 Ms. Taylor is suggesting. Boy, it would be great if y'all could  
2 figure this out first and then -- and that will be more apparent  
3 later in this meeting. I want to go forward and do these things.

4 If y'all agree and you put it on my plate, it would be  
5 hard for me to think I'm smarter than y'all or I know the system  
6 better than y'all, and if the government, who's not going to  
7 blink at the constitution, either puts it on it, and if I look at  
8 it, unless I've got a serious problem, I'll sign off on it.

9 So that's the way we've proceeded up until now. I hope  
10 with the backing -- your backing or whoever your successor's  
11 backing is will be at least seven. It takes seven. I hope that  
12 you'll be able to have that success or whoever succeeds you will  
13 have that success and we can proceed that way because the  
14 alternative is just all out war, and if you don't do it, the  
15 government is going to put it on my plate and then I'll decide  
16 it.

17 Then if the school board, or at least seven of them,  
18 doesn't think that's the right thing to do, then they can pay  
19 Mr. Caswell a lot of money to go down to New Orleans and let the  
20 three judges down there go review it and probably -- and I can  
21 make mistakes and I do all the time -- affirm what I did because  
22 this is not new ground we're breaking in school desegregation law  
23 as you might imagine and some of that law has been made in this  
24 very case, in the reported cases.

25 So, anyhow, go ahead, Ms. Taylor.

1 MS. TAYLOR: Yes. One other item, Your Honor. We  
2 expect to -- based upon the concerns about student assignment and  
3 enforcement of attendance zones, we will be conducting a routine  
4 review of the zone enforcement in St. Landry to include the  
5 following schools: Opelousas High School, Northwest High,  
6 Creswell Elementary, Port Barre Elementary, Leonville Elementary,  
7 South Street Elementary, and Eunice High.

8 And, again, what we'll do is we'll ask for the  
9 information and then provide the data to the district regarding  
10 the attendance of students in those particular zones at those  
11 schools.

12 THE COURT: So you'll be getting to know or somebody  
13 under your direction will be getting to know Mr. Brown pretty  
14 well.

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

16 THE COURT: Mr. Brown, hang on to your hat and enjoy  
17 the ride.

18 All right. That's it?

19 MS. TAYLOR: Yes, Your Honor.

20 THE COURT: Mr. Caswell, anything else that has not  
21 been covered that needs to be covered from the school board's  
22 perspective?

23 MR. CASWELL: No, sir, Your Honor. I think we've  
24 covered all the issues. Part of the information that Ms. Taylor  
25 has requested with regard to zones and M to M, we have that

1 information. It doesn't need to be presented at this hearing.  
2 We're going to give it to her afterwards. Mr. Brown has that  
3 info.

4 THE COURT: Okay. Great.

5 Mr. White, is there anything that Ms. Taylor left  
6 undone that you'd like to bring to the Court's attention right  
7 now?

8 MR. WHITE: We would call the U.S. Attorney's attention  
9 to several other --

10 THE COURT: I'm sorry, Mr. White. If you would come up  
11 to the lectern, please.

12 MR. WHITE: We would call the Court's attention to  
13 several other schools that we have observed some of the zone  
14 jumping such as Port Barre, Grand Prairie, and Plaisance.

15 THE COURT: And do you have specific information that  
16 you could provide to Ms. Taylor or is that just a general sense?

17 MR. WHITE: I have specific -- well, someone I have has  
18 specific information.

19 THE COURT: Well, if you would share that with  
20 Ms. Taylor, I know she'll get right on it and she and Mr. Brown  
21 will get to work on it.

22 MR. WHITE: And we would like to offer to the board  
23 whatever help they think we can render because of our involvement  
24 for the past 43 years.

25 THE COURT: Yeah. Well, I'm going to say a little bit

1 about that, and you remember -- and I hate to throw this age  
2 thing on you there, Mr. White. You've got me beat by a few  
3 years, but you've been fighting in the field a long time trying  
4 to right the injustice that folks of my color did to folks of  
5 your color, and I appreciate your continued work in this case and  
6 certainly what you've done in the past to get us to where we are  
7 today.

8 All right. So, Ms. Taylor, make sure you and Mr. White  
9 get together.

10 MS. TAYLOR: Yes, Your Honor.

11 THE COURT: All right. Now, let me just say a few  
12 things here. And I'm going to go ahead and exercise my  
13 prerogative as the Judge presiding because I think not only is it  
14 appropriate, but it's necessary to share a few thoughts with you  
15 on, Superintendent Nassif, your predecessor, Mr. Lanny Moreau,  
16 who is, after all, the only superintendent I have ever worked  
17 with in this case in trying to resolve this, as I said,  
18 42-year-old school desegregation case.

19 As most of you know, Lanny served the St. Landry Parish  
20 School System for 37 and one-half uninterrupted years, first as  
21 what was called back then a master teacher, then as a principal  
22 for 16 years, an assistant superintendent for four years, and  
23 from April, 1999, through May 31<sup>st</sup>, 2007, as superintendent for  
24 the St. Landry Parish schools.

25 And, you know, I don't know if you're going to trust my



1 source. It's the Daily World. Maybe you do and maybe you don't.  
2 Some people are very skeptical about newspapers. As I said  
3 earlier, I think they do the best they can with what they've got,  
4 but my source is the June the 6<sup>th</sup>, 2007, editorial.

5 The reason that's important is because it bears out  
6 what all of you, I think, should remember. Certainly the school  
7 board members should not only remember, but should know, even  
8 though human nature is such that we don't often like to admit  
9 that the place we come from is the best, worst -- well, best, we  
10 all like the best, or worst, and that's certainly not St. Landry  
11 Parish, but poorest.

12 The editorial that day said that the -- there were  
13 several comments made in the editorial, but the only thing  
14 germane for what I'm about to say is the median income in St.  
15 Landry Parish is \$22,825 making it one of the poorest parishes or  
16 counties in the United States.

17 Now, if that shocks you, it didn't shock me based on  
18 what's transpired in this case over the last seven years, and  
19 most of it is on the record here. You live in a really poor  
20 place, and if you look around this room, most of you, whether  
21 you're old or young, Caucasian, African-American, you're probably  
22 middle class or relatively well-off compared to a lot of our  
23 brothers and sisters, if you would. So maybe it escapes your  
24 attention, but you come from a very poor place.

25 And the reason that's important to remember is that

1 what I think when I think of what Lanny did as superintendent,  
2 his goal always was -- and I know you who work in the system know  
3 it and these school board members certainly know it -- was  
4 equity, equity among the different schools, the ones that were  
5 historically black or historically white, and usually that meant  
6 we need to spend a lot more effort, money and resources on the  
7 historically black schools.

8 I'm not concerned, despite what some school board  
9 members have said in this courtroom or at school board meetings,  
10 that if you took a tour of all 39 facilities, or whatever the  
11 exact number is, and if you've got more than the last ten years  
12 of recall, you'll know the change that's been made in the  
13 physical facilities in St. Landry Parish. That's a fact. It's  
14 in brick and mortar right there for you to see.

15 The next thing when I think of Lanny is fiscal  
16 responsibility. We live in a time -- and I think Bob Hammonds,  
17 who is the attorney for the school board association, who I know  
18 is well-known to all of you, who's been involved in education and  
19 certainly this school board through their school board  
20 association, and who also represents, very fortunately for  
21 Evangeline Parish, them -- and they've been through a few -- he's  
22 been through a few battles over there and, as they say, has got  
23 the scars to prove it with this very Court.

24 He has said in these proceedings -- I've forgotten the  
25 number, but more than half of the school districts in this state

1 are literally on the verge of bankruptcy. Now, we're a little  
2 better this year because of the influx of Katrina money, and  
3 that's a godsend after a terrible natural disaster, but other  
4 than that money that came in here and other federal assistance,  
5 there would have been some school systems that would have shut  
6 down, period, end of subject.

7           Because of Lanny Moreau and Mr. Manual taking the heat  
8 from some school board members who wanted to give this and give  
9 that -- and I don't want to take any credit for it, but it  
10 was at some point after the school board went ahead against  
11 the superintendent's recommendation and gave a pay raise that  
12 ended up costing the school system \$500,000, which I don't  
13 doubt that the pay raise was not only deserved, but needed, I  
14 believe that, but it wasn't fiscally responsible for the system,  
15 that I said no more of that kind of stuff without a court order.  
16 If you go against the superintendent's recommendation, you've got  
17 to come up and see me and you've still got to get me to approve  
18 it.

19           Now, it took a lot of -- I don't need to use the word,  
20 but you know what I mean besides guts to do what he did. And did  
21 he take heat from school board members? Did he take heat from  
22 the teachers? Did he take some heat from people within the  
23 public who didn't know and say how could anybody be against this?  
24 It's because they didn't understand the big picture, the whole  
25 context of the case, but that's what he did.

1           Now, academic achievement -- and, you know, there's  
2 been a lot of stuff said in this courtroom by members of the  
3 school board that, frankly, if you read the transcripts of the  
4 school board meetings like I do, you know these issues have been  
5 addressed in school board meetings over the last -- I'm talking  
6 about four and a half years. Well, actually probably starting  
7 about three and a half years ago if they get raised here by  
8 members of the school board.

9           And the only criticism I have of Lanny's senior staff,  
10 those that are no longer here and those that remain, is that they  
11 didn't jump up in this court proceeding. It wasn't the place for  
12 the Judge to say, well, wait a minute, Mr. So-and-so or  
13 Ms. So-and-so. I read this in the meeting back two months ago.  
14 They didn't stand up and defend the superintendent.

15           And as we all know -- and I'm going to talk about that  
16 in a little bit. The superintendent has been somewhat impaired,  
17 not mentally, but physically because of a common friend he and I  
18 have, and I'll talk about that friend in a moment.

19           And despite what you may have heard, which may have  
20 been picked up by the paper, your Daily World or the Baton Rouge  
21 Advocate, the facts are the facts, they're in black and white,  
22 for a poor parish, for a poor school system like St. Landry  
23 Parish is, which draws its students -- we don't get them from  
24 upper middle class folks.

25           Public school people -- the people that can afford to

1 send their children to private school, a lot of them have. The  
2 people that can afford to move their residence, sell the house  
3 where they are and buy a new house to go put their kid in a  
4 certain school, they do that, but most of the folks in St. Landry  
5 Parish, particularly mostly African-American folks, but many,  
6 many of the white folks can't do that.

7 And so we get who the community is. That's what you're  
8 dealing with in St. Landry Parish. And, again, if it's true what  
9 the Daily World said -- and again that's my source -- that you're  
10 one of the poorest counties or parishes in the country, you can  
11 understand it's not just like, well, here's the road map on how  
12 you run a perfect school system. You deal with the hand that's  
13 dealt you.

14 And, Superintendent Nassif, that's what you're facing,  
15 and that's a big challenge just because of the nature of the  
16 parish and the system that you now have.

17 So those are my thoughts about Lanny as it relates to  
18 his actual duties and equity among the schools, fiscal  
19 responsibility, and academic achievement.

20 Now, let's talk about race because, after all, that's  
21 what this case is about, a 42-year-old plus school desegregation  
22 case. Since March 10<sup>th</sup>, 1965, when this suit was filed, there  
23 have been many school boards and many superintendents. From the  
24 sordid -- and I use that word deliberately -- record of this case  
25 the Court is all too familiar with, it is clear, crystal-clear

1 that collectively more of those school boards and more of those  
2 superintendents were at a minimum prejudiced and at a maximum  
3 racist. Neither word, prejudice or racist, fits the previous two  
4 school boards, both of whom I have dealt with personally since I  
5 took over this case after the death of Judge John Shaw.

6 I don't personally know about any other school boards  
7 that preceded those two or their motivations, but the record of  
8 the St. Landry Parish School System as archived in the musty old  
9 file of this proceeding is what it is.

10 When I first met Lanny Moreau in my chambers during a  
11 meeting that he initiated, he had been superintendent for a  
12 little over a year. I had recently taken over the case from  
13 Judge Shaw. It was at the height of the publicity that my  
14 colleague, Chief Judge Richard Haik, was having about what he had  
15 to do in Lafayette Parish, in the Lafayette Parish school  
16 desegregation case, closing schools and ordering the building of  
17 a new school.

18 As I recall, we met, Lanny and I, for about two and a  
19 half hours. After our initial introduction and exchange of  
20 normal pleasantries, the first words out of Lanny's mouth were --  
21 and I quote because I will never forget them -- Judge, I want to  
22 do this right, not because it's the law or not because it's a  
23 court order, but because it's the right thing to do.

24 Being of roughly the same age growing up in rural towns  
25 not far apart, he in Leonville and me in Bunkie, and graduating

1 from all white high schools, we reminisced about the cruelty of  
2 the times, the times in which African-Americans had to endure  
3 being treated by the dominant white society as a whole and most  
4 white people in particular as less than human, and in many  
5 instances as mere chattels, and the progress and the lack of  
6 progress that has been made since those terrible times.

7 I would rather not use the phrase, but I know of none  
8 better to describe my impression of Lanny Moreau after that  
9 meeting. I felt I had seen into his very soul on matters of  
10 race, integrity and absolute commitment to right, to the extent  
11 possible, the sins of the past of white people in suppressing  
12 black people's opportunities in the St. Landry Parish School  
13 System.

14 As I said earlier, I have presided over probably 15  
15 school desegregation cases. I never, never -- and I've met some  
16 good ones. I've never met a superintendent who came to me like  
17 that.

18 In my 61 years plus on the planet I have made mistakes  
19 about initial impressions of people I have met, most recently  
20 about some people encountered in this very case. However, my  
21 initial impression of Lanny has not changed, but, rather, has  
22 been affirmed by his every act and deed and representation to  
23 this Court and the lawyers in this case. Lanny Moreau not only  
24 talks the talk, he walks the walk.

25 I did not know Superintendent John Dupre. I am not

1 sure of all of his actions as superintendent, but I have been  
2 told by numerous African-Americans, some of whom I have known for  
3 close to 30 years and whom I have great respect for, that Lanny  
4 Moreau, as it relates to the education system in St. Landry  
5 Parish and African-Americans, is the best superintendent since  
6 John Dupre.

7           It is, therefore, in my view the irony of ironies that  
8 it was the five African-American members of the school board in  
9 tandem with Scott Richard and Harry Fruge that orchestrated the  
10 ouster of Superintendent Moreau. Life is indeed odd.

11           That is not to say that I think Lanny Moreau is a  
12 perfect human being, none of us are, or was he a perfect  
13 superintendent, but I have no fear that history will contradict  
14 me when I say that Lanny Moreau will be remembered as a great  
15 superintendent, the superintendent who earned the trust of this  
16 Court and of the United States Government by his every action as  
17 superintendent in demonstrating to what the law refers to in the  
18 context of a school desegregation case as good faith.

19           He almost got his beloved St. Landry Parish School  
20 System declared unitary through his own personal sheer  
21 determination and commitment to do so, and for that I thank him  
22 and for that it is my view that the citizens of St. Landry Parish  
23 owe him a great debt of gratitude.

24           Now, also on Lanny, I would be remiss if I didn't bring  
25 this up. This is our common friend. It's about courage. Lanny



1 and I have a common enemy or opportunity depending on whether one  
2 views his or her glass as half empty or half full.

3 I have come to know over the last, I guess, four years  
4 now, almost four years, that Lanny -- and longer than that; I  
5 knew before he got sick -- like me is a half full person, and our  
6 common enemy, common opportunity is cancer.

7 Since the onset of Lanny's illness about a year after I  
8 was diagnosed with a very serious case of male breast cancer,  
9 Lanny has been an inspiration to me. Being a very private  
10 person, Lanny did not speak publicly about the nature of his  
11 illness. We all knew he was sick. I mean, I knew what his  
12 sickness was. Most people only suspected because he didn't share  
13 that with very many people.

14 And it's one of his great strengths that he's a private  
15 person. It's also one of his great strengths -- and in this  
16 instance of his employ as a superintendent probably failing --  
17 that he didn't stand up and he didn't confront. That's not the  
18 person he is. He's strong. Don't get me wrong. He's a strong  
19 leader, but he wasn't -- confrontation wasn't his style. He only  
20 got in confrontations when he was forced to.

21 Lanny, rather, with his illness simply persevered in  
22 trying to run the school system that he loved and ending this  
23 desegregation case even as some on the previous school board who  
24 continue to serve on the present school board saw an opportunity  
25 to take advantage of Lanny and to attack his physical ability to

1 continue to serve as superintendent, to demean the academic  
2 achievements of the system and to question his very integrity  
3 resulting ultimately in his ouster as superintendent.

4 As a cancer survivor, I know where Lanny Moreau was and  
5 is. Lanny Moreau, in my view, has more courage and integrity in  
6 his little finger than most of us in this courtroom possess in  
7 our entire bodies.

8 In addition to having been a great superintendent, he  
9 is a special human being. I wish Lanny and his wife, Cathy, the  
10 best in retirement. I pray that he and I have the opportunity to  
11 enjoy the friendship that we've developed over the last seven  
12 years for many more years to come.

13 Now, it is not only fitting and appropriate in my view  
14 that I said what I said, but it was necessary, because as I did  
15 say earlier and repeat, Lanny -- there's been a lot said about  
16 him in the last couple of months in particular, longer than that,  
17 but in particular, and he hasn't said anything, which is his  
18 style.

19 Now, moving on -- and this is important and I'm going  
20 to do a little more reading, and I hate to do that, but I don't  
21 know of any better way to do it. And for those of you who are  
22 new to this proceeding -- and this is particularly for the  
23 superintendent and others who are new -- I'm going to refer to  
24 comments that were made back on March the 16<sup>th</sup>, as I recall, and  
25 I want to make sure that I'm clear, and I think that's right, of

1 2006 at one of these very quarterly status conference meetings.  
2 March the 16<sup>th</sup>, 2006.

3 All the members of the present school board were here  
4 with the exception possibly -- and I say possibly because I note  
5 Ms. Eaglin was at at least two meetings before she successfully  
6 defeated Mr. Ross, and Mr. Quincy Richard, who had previously  
7 served, was at least at two of those meetings before he was  
8 elected to return to the school board. So maybe they were at  
9 this one, too, but maybe they weren't. All the rest of the  
10 members were.

11 And I'm going to quote from my realtime -- that's what  
12 this is up here. As we all speak, Ms. Bourque, tired fingers  
13 that she has, has gone ahead and typed these out. It's not the  
14 official transcript, but it's -- you can put almost I'd say  
15 97 percent accuracy.

16 She's got to go back and clean it up if somebody orders  
17 an official transcript, but she's got recordings and a bunch of  
18 stuff to do that, and we don't reproduce these transcripts unless  
19 somebody orders them, which means they must pay Ms. Bourque for  
20 them, which some people do and some people don't.

21 At any rate, I'm going to quote now from the United  
22 States Attorney, Mr. Don Washington, who was here today and  
23 introduced to all of you who I pointed out to you at that time  
24 was the President's appointee with confirmation of the senate,  
25 the highest law enforcement officer in the Western District of

1 Louisiana.

2           And I had asked Mr. Washington, and in due course all  
3 the lawyers, if they had any comments. And Mr. Washington, and I  
4 quote from my not official, but realtime transcript: Your Honor,  
5 I do have some comments, but what I would like to do is to have  
6 Ms. Taylor go through her list before those comments are made.  
7 And then I say thank you and I give Ms. Taylor the opportunity.  
8 Then Ms. Taylor goes ahead and speaks for a paragraph and then I  
9 go back to Mr. Washington.

10           And I say: Mr. Washington. And he says: Yes, Your  
11 Honor. I'd like to go ahead and supplement what was just said  
12 with what I consider to be major -- a major and specific concern.

13           And if I could digress a minute, this was a time the  
14 school board will remember and those of you who were paying  
15 attention should remember that there was a letter that was  
16 circulated by seven members of the board -- all the  
17 African-American members, Mr. Fruge and Mr. Scott Richard -- to  
18 oust Superintendent Moreau and sometime subsequent to that  
19 Mr. Charles Ross who Ms. Eaglin defeated. He had signed that  
20 letter. They signed it saying they wanted to get rid of him.

21           Mr. Ross changed the position he took in that letter  
22 and Superintendent Moreau survived on a seven to six vote. So  
23 this is that time to give you the context about where we were on  
24 March 16<sup>th</sup>, 2006.

25           And, again, Mr. Washington says: I'd like to go ahead

1 and supplement what was just said with what I consider to be a  
2 major and specific concern. First of all, I would just like -- I  
3 would just generally say I am always struck by the fact that we  
4 are still here doing this 50 years after *Brown vs. Board of*  
5 *Education*, 40 years after the Civil Rights Act in the early 60's.  
6 I am struck by that fact, but I want to assure the Court that we  
7 are going to be here. The United States will be here until we  
8 get this done.

9 My concern today has a little bit, Your Honor -- I'll  
10 just put it on the table just so everybody knows -- a little bit  
11 to do with what's happening at the present time in the leadership  
12 structure with this organization that we have before us as a  
13 defendant, and that is obviously the controversy over the  
14 superintendent.

15 The United States is well-aware of this Court's desire  
16 and I think this Court is well-aware of our desire to move this  
17 litigation -- to move this litigation with haste as quickly as  
18 possible as we can, but at the same time making sure that the  
19 dictates of the United States Constitution are complied with. In  
20 this particular case we understand that the superintendent may or  
21 may not be with us in the next school year.

22 Now, the school board members who were there will  
23 remember better than I as will Mr. Caswell and many of you in the  
24 audience. This was a renewal issue. Mr. Moreau's contract came  
25 up and what was arrived at at the time was a one-year extension

1 of the contract that ended, I guess, last year.

2 And, Mr. Caswell, I don't want to misstate because I'm  
3 deviating from the transcript of Mr. Washington's comments, but  
4 did I say that correctly for the historical record?

5 MR. CASWELL: It's my understanding that is correct,  
6 Your Honor, that he was -- his contract was coming to a  
7 conclusion and what was ultimately done was a one-year extension.

8 THE COURT: Okay. So this is the -- this is the  
9 background, again, so everybody who wasn't there and didn't know  
10 knows and so the record reflects. Of course, that was the  
11 one-year contract that was terminated effective May 31<sup>st</sup> when the  
12 school board decided to buy him out after whatever is out there  
13 in the record.

14 At any rate, Mr. Washington continues: However, as you  
15 well know, the reason that we've had -- we've made so much  
16 progress rests primarily upon the shoulders of the current  
17 superintendent and his staff, them doing what they do best and  
18 them showing the leadership they have shown to the Court in  
19 approaching the *Green* factors such that unitary status may be  
20 granted sometime in the near future, but changing a horse in the  
21 middle of the stream as we discussed this morning is a little bit  
22 of a concern for us.

23 We do not intend on interfering with the political  
24 issues of the board, that's their business, but the practical  
25 aspect of changing horses in the middle of a stream to this

1 litigation is obvious. With a new horse, then you've got a new  
2 rider who has to mount that horse to begin with, and you've got  
3 to look at his staff and determine whether he wants to keep this  
4 staff or do something different with the staff or other things  
5 that may occur as a new leader comes aboard.

6 All of this leads to the effect that this litigation  
7 may be slowed to a degree, but I want to assure the Court that it  
8 will also cause another effect on our part, that is that our  
9 rigor may increase obviously for the reason that we don't know  
10 who this new person is or will be if they in fact go forward with  
11 that plan, but if there is a new person, we'll have obvious  
12 questions, you know, what is his dedication towards meeting the  
13 requirements of the constitution, with respect to educating  
14 children, and with respect to civil rights in the Opelousas and  
15 St. Landry school community.

16 Also, Your Honor, we will have some issues associated  
17 with good faith. As you've already made some statement about  
18 this board acting in good faith to do its business with respect  
19 to this litigation, good faith has many components as you well  
20 know. Those components include relationship between the lawyers  
21 to the litigation, the steps taken by the Board of Education, the  
22 steps taken by the superintendent and his staff towards a set of  
23 goals.

24 We have a plan in place for this school board to get to  
25 unitary status we thought using the straight line method being

1 the quickest way possible, but this is a wrench in the system at  
2 this stage, and I just want to alert the Court to the possibility  
3 of some delays as we go forward, and on top of that, some  
4 additional rigor in the way we look at and ask for information  
5 just to make sure we're not taking a giant step backwards. We  
6 wanted to make sure that the Court understood that and understood  
7 the concerns that we have as a party to this litigation.

8           And at some point later in the meeting I asked  
9 Mr. White if he had any comments about what had just been said,  
10 and Mr. White's answer was: No, Your Honor. I'm reminded of  
11 some rather good advice given to me by the late Thurgood Marshall  
12 and Jack Greenberg. They told me whenever an issue has been  
13 clearly defined, don't say anything and have a seat.

14           And then again as is my custom, has been my custom at  
15 these meetings, I give each school board member the opportunity  
16 to ask questions or make any statements about what has transpired  
17 during the meeting of the Court with the lawyers or anything else  
18 they want to say.

19           And we got to the time -- it was Mr. Wyble's time,  
20 Mr. Huey Wyble. I said: Mr. Wyble, Mr. Vice-president. And he  
21 said: Your Honor, I think I probably concur with Mr. Washington  
22 and with Mr. Budden.

23           Mr. Budden had made some similar comments.

24           It looks like -- it looks like we're having a big  
25 problem that's going to happen if we lose Mr. Moreau. A lot of



1 his senior staff are probably going to be leaving also, and I  
2 wish -- and I'm going to say as Mr. Washington said. I'm going  
3 to put something on the table. I just wish that you as a federal  
4 judge could come in and put a stop to some of this, and I don't  
5 know if you want to intervene or do anything, but I wish that  
6 there could be something that you could see about doing. Thank  
7 you.

8 Well, despite the popular public misconception that  
9 federal judges can do anything they want to do, particularly in  
10 school desegregation cases, that's not the way it works and that  
11 was not something that this Judge could or should do. After all,  
12 for good or for bad, and time will tell, the school board, this  
13 school board in particular, but the school board that we were  
14 speaking of last time are the people's representatives. They  
15 either made a wise decision or a poor decision, but it was the  
16 people's decision, not this Court. And as Mr. Washington again  
17 said, I don't get involved in the political process. The United  
18 States Department of Justice doesn't get in the political  
19 process.

20 And then there was a comment by Mr. Deville when it  
21 came to his time and he said: Thank you, Your Honor. My  
22 comments -- most of them were covered by Mr. Washington and my  
23 fellow board members here. I was quoted in the local paper --  
24 and I still feel that way -- that I would hate to see our focus  
25 on the desegregation order being in any way changed around if we

1 had a change in administration. I feel that if they change the  
2 administration now, the focus would be switched from the  
3 desegregation order to more of a political nature. That's my  
4 concern. That was Mr. Dillard Deville at that meeting.

5 Now, the reason I took the time to read that transcript  
6 from that meeting -- there are others that I could have read.  
7 This same issue came up. That's not the only time, but it was  
8 pretty succinctly covered. I don't think anybody representing a  
9 constitutional officer or one that is supposed to protect and  
10 defend the constitution of the United States could have said it  
11 any better than Mr. Washington did.

12 I don't think anybody could have said more than  
13 Mr. Wyble or Mr. Deville did about the government's impression  
14 after hearing Mr. Washington and this Court's impression after  
15 what I said that day, but, anyhow, we are where we are. And so  
16 it's important that nobody think that, gee, we didn't know. We  
17 would have done it a different way if somebody would have said  
18 something, because, you know, I've been -- and I've been accused  
19 of being hell-bent -- that was the term used -- on getting this  
20 case over by December 31<sup>st</sup> of this year.

21 I had Earl Taylor, your district attorney, over here a  
22 couple of times. Earl Taylor, sitting over there right where  
23 Mr. Brown is now, committed to me, after I asked him, that we  
24 would have the signing of unitary status in his office, the old  
25 federal courthouse where all of this stuff started, where much of

1 it was handled, in December of this year, not next year, not the  
2 year after or the year after that.

3 And when I made reference to pushing the government up  
4 against -- not get past the constitutional law. Let's go with  
5 the Chevrolet, not the Cadillac. I've lived up to what I told  
6 those school board members when I first came on here, what I told  
7 Lanny Moreau I would do, what I told his senior staff and Gerard  
8 Caswell I'd do. I'll be the pulling guard for you. I don't care  
9 what the Justice Department wants as long as you don't make me or  
10 them blink at the constitution. We're going to get this sucker  
11 over. Scott Richard told me in one of my first meetings with him  
12 after the approval of the reorganization plan, this case has got  
13 to end, Judge. I said, Scott, I agree with you. It's got to  
14 end, you know, and I'm going to do everything I can.

15 And I have said in this room on the record -- I  
16 remember the first time I said it because it was the first  
17 meeting I had with the school board, but I've said it many times  
18 since. As long as you've got the captain of the ship that you've  
19 got right now, he's going to guide this ship through the rocks  
20 here. We'll get to the other side.

21 And, you know, I say the record is the record. It's in  
22 black and white. It can be ordered by anybody, and some of it is  
23 going to be ordered by the school board after today because I'm  
24 going to instruct them to do that, but, at any rate, that's where  
25 we are.

1           Now, the process that we will use in this case going  
2 forward from this date forth to try to get to a point where  
3 unitary status can be found in this system will be as follows --  
4 and I have an order that I'm going to sign in just a few minutes,  
5 but I want to let you know, let the school board know and those  
6 of you who are here who have been here before and who are here  
7 for the first time what we're going to do starting June 14<sup>th</sup> of  
8 2007, today.

9           And regrettably we will not achieve unitary status in  
10 2007. There's no way possible despite my best oaths, intentions,  
11 wishes and agreement with Scott Richard that this case needs to  
12 end.

13           That process will be: From this date forward the Court  
14 will no longer have further communication with individual school  
15 board members without counsel for all parties present and then  
16 only at the option of the Court.

17           Consistent with the Code of Conduct for United States  
18 Judges, Canon 3A(4), the Court will continue to have ex parte  
19 communication with the lawyers in an attempt to assist them in  
20 moving this 42-year-old school desegregation case forward toward  
21 unitary status unless any party to the litigation requests I not  
22 do so.

23           Now, just by brief way of explanation, those of you who  
24 are not lawyers and those of you that are that aren't familiar  
25 with Canon 3A(4) of the Code of Conduct for United States Judges,

1 in a typical lawsuit the Judge is not supposed to have ex parte  
2 or alone without the other parties present conversations with  
3 parties or lawyers.

4 Now, I wasn't born yesterday. Some of you may have  
5 experienced in your own local, state or other court system ex  
6 parte conversations with a Judge. That can happen.

7 In the federal system, I suggest very respectfully and  
8 in no way demeaning either local or state systems anywhere, it's  
9 a very rare occurrence that a Judge would talk to one side  
10 without having the other side or their representative there.

11 Well, that code of ethics canon that I made reference  
12 to specifically accepts ex parte or alone conversations with  
13 parties with the other side not being there or their lawyers. If  
14 everybody to the litigation agrees, that's okay, and it will  
15 further trying to settle difficult or longstanding litigation.  
16 That's the permission I received shortly after I met with Lanny  
17 Moreau when I first started having meetings with then only the  
18 president of the school board, senior staff and Superintendent  
19 Moreau, and the lawyers.

20 And, Superintendent Nassif, that process I described to  
21 you earlier when Ms. Taylor made reference about we've got to do  
22 something with the principals, we want you guys to figure that  
23 out, that's how we facilitated that.

24 Now, I'm -- and I had permission to talk to individual  
25 school board members. That's what I don't want to do anymore.

1 I'm not going to do it anymore without all the lawyers, not just  
2 Mr. Caswell, but all the lawyers present and then only at my  
3 option because I may not think it's necessary or appropriate and  
4 then let Mr. Caswell file whatever he needs to file if I go that  
5 way.

6 And I'm sure Mr. Caswell will be kind of running  
7 interference for whoever his board member is and say, well,  
8 Judge, Mr. So-and-so or Ms. So-and-so wants to talk to you about  
9 "x" and I'll say, I don't want to talk about that, or I'll say,  
10 sure, come on. We'll set up a meeting. Get the lawyers together  
11 and we'll do that. So that's what that canon is about.

12 There will be no further quarterly status conferences  
13 until further notice of this Court. At this juncture, quite  
14 frankly, the Court is of the view that until things settle out in  
15 the St. Landry Parish School System, future meetings would be a  
16 waste of all of our time and of the United States and school  
17 board resources.

18 The Court is going to go ahead and deny the motion to  
19 lift permanent injunction and to declare unitary status as to  
20 quality of education curriculum filed by the St. Landry Parish  
21 School Board on July the 7<sup>th</sup>, 2006, which is Record Document 120  
22 of this proceeding, as premature.

23 And this is important, what I'm about to say. All of  
24 it is important. It's going to be in an order. It's all  
25 important, but this is particularly important so those of you who

1 are not lawyers will understand the process going forward and  
2 that will include the school board members with the exception of  
3 Ms. Frank who is a lawyer.

4 Any future filings regarding the *Green* factors -- those  
5 are the things that the school system needs to check off and  
6 accomplish showing good faith in the process of doing it -- that  
7 needs to be presented to the Court must be presented jointly by  
8 the school system, the United States Government and the original  
9 plaintiff. If that motion is filed, a hearing will be conducted  
10 and then I'll rule on it.

11 Now, let's suppose the school system says, we're ready,  
12 and the government says, no, you're not, and Mr. White says, no,  
13 you're not, then the school system must file a motion with this  
14 Court asking for the relief they think the school system is  
15 entitled to stating that the motion is opposed by the government  
16 or Mr. White or both of them.

17 After I receive that motion and after I give the party  
18 that is opposing the motion the opportunity to file a written  
19 objection to the motion, I'll have a hearing and then I'll rule  
20 on the motion.

21 And those of you who are not lawyers, ladies and  
22 gentlemen, this is normally how it works in all cases. This  
23 isn't only how it works in school desegregation cases. This is  
24 not what I've been doing, Superintendent Nassif, because I've  
25 been trying, if you would, to be that pulling guard running

1 interference even with the Justice Department.

2 And I've got Ms. Taylor and I've got Mr. Marshall upset  
3 with me, upset with me. Now, this is the first time I've  
4 declared this publicly, I think. They were really upset with me,  
5 but they conceded to me to get them to do something in this case.  
6 Now, some would argue, gee, Judge, let their lawyers meet with  
7 our lawyers and let them fight it out. Well, I agreed then with  
8 Mr. Scott Richard. This case needs to end. So how are we going  
9 to do it? The shortest distance from Point A to Point B is a  
10 straight line.

11 And I would never -- and they know I would never  
12 because I wouldn't violate my oath to uphold the constitution. I  
13 got them pretty close to the line in getting them to approve the  
14 Chevrolet and not a Cadillac to get rid of this case, but they  
15 got upset with me in the process because they wanted more.  
16 Tucker Melancon said, no, we're going to finish this sucker.

17 And Mr. Marshall is too much of a gentleman and  
18 Ms. Taylor is too much of a lady, and Ms. Vincent who has been  
19 through most of it, and Mr. Washington, some of them, none of  
20 them would confirm what I just said, I suspect, but it's  
21 absolutely true, and if they were under oath up here, they'd say,  
22 yeah, that's right, Judge, we got pretty peeved with you on more  
23 than one occasion, but, at any rate, that's how we're going to  
24 proceed from now on. I don't think I could make it any clearer.

25 Also, part of the order that I'm about to sign is that



1 all orders written and verbal -- and the verbal orders are those  
2 that were made by me from this very chair on the record, not just  
3 something I may have said in the days before we got on the  
4 record.

5 All orders starting with the first conference that I  
6 had on the record on November the 20<sup>th</sup>, 2002, as well as any  
7 regularly scheduled status conferences, and the January 31<sup>st</sup>,  
8 2007, special meeting, that's the one that Mr. Richard had the  
9 opportunity to come up and testify under oath, that meeting,  
10 anything I said order-wise in any of those meetings remains in  
11 full effect and will be enforced, will be enforced by the Court.

12 Now, Mr. Nassif, I suggest this to -- I would suggest  
13 this to you because you're the employee of the people's elected  
14 representatives. I'm not going to make any suggestions to the  
15 people's elected representatives, the people put there wisely or  
16 not wisely, that's the people's decision, but if I'm you, that  
17 man you're sitting next to on your right right now, I would be  
18 joined at the hip. I mean that in all sincerity.

19 I mean, that's -- and, again, you should not perceive  
20 that as any threat by the Judge trying to intimidate. I don't  
21 mean it that way. I don't want you to go through that field of  
22 land mines and step on something because the school board asked  
23 you to do something or some member asked you to do something and  
24 you didn't know any better, because I'm going to tell you what I  
25 told another great superintendent, Rayford Fontenot, who used to

1 serve in Evangeline before he had a not dissimilar fate to  
2 Superintendent Moreau because he was carrying the water, in my  
3 view, that he was given to carry in this case, but I told him the  
4 first time -- the first time I met him, he had just been  
5 appointed -- he had been interim superintendent and he had just  
6 been selected as the superintendent of Evangeline Parish schools  
7 back in 2001, I think.

8           And I said -- I looked him in the eye and I said, you  
9 look like you used to be in the service. He said, yes, sir, I  
10 was. And I said, I'm going to tell you what man-to-man right  
11 now. If you violate or the school board violates any order of  
12 this Court that's been given or will be given, I'm coming to you.  
13 You're the first person to go to jail. The next person to go to  
14 jail is the president of the school board. And then I'll start  
15 looking at individual school board members.

16           Now, that was a pretty tacky way to start with the  
17 superintendent. I don't want you to -- I don't want you to  
18 perceive -- I just don't want you to get caught in the cross fire  
19 here that you didn't know about because we've got a long written  
20 record of this proceeding, particularly in the last six years.

21           So be careful. You've got a great lawyer, despite  
22 Ms. Eaglin's questioning about who he actually represents, and if  
23 she's got any -- if she had any belief that Mr. Caswell who is,  
24 after all, the school system's lawyer and not the  
25 superintendent's lawyer, was leaning toward Mr. Moreau on

1 anything, he needs to be leaning right now on you because you  
2 need him. And I just say that and wish you the best in that,  
3 too, but this is serious stuff we're doing here.

4 Now, the order is going to also contain the provision  
5 that says a copy of the minutes of this meeting, this quarterly  
6 status conference, is to be placed on the school system's website  
7 as well as a copy of the transcript, official copy of the  
8 transcript of the March 16<sup>th</sup>, 2006, meeting, which I read  
9 Mr. Washington's comments. I read Mr. Wyble and Mr. Deville's as  
10 well as Mr. White's comments. I want that up on the website.

11 And that's important and that's why my invitation to  
12 all of those fine citizens of St. Landry Parish who can't go --  
13 didn't come here today, weren't at the March 16<sup>th</sup>, 2006, meeting,  
14 or can't go to the school board meetings will have the  
15 opportunity, if they have access to the Internet, to see what  
16 their elected representatives and this Judge and the United  
17 States is doing in this case.

18 Now, I'm going to continue the order that was  
19 previously given that you place these school board minutes -- and  
20 I want to kind of soup that up a little bit. I want it within  
21 seven days after the meeting.

22 Now, I realize that may take a little bit of muscle  
23 power on your part. It may unfortunately -- and it's not my  
24 intent -- cost the school board more resources to get those  
25 transcripts. And Mr. Caswell is familiar with this concept in a

1 legal case and the taking of a deposition. If it means you want  
2 an expedited transcript, if it means -- and I don't know how  
3 you're doing it now, if you've got to hire a court reporter to  
4 sit in there.

5 MR. CASWELL: We have a court reporter.

6 THE COURT: Okay. Well, I want it on an expedited  
7 basis. If it costs more, I'm sorry. It just costs more. I want  
8 it on the website within seven days.

9 And, again, that's so the people who care to know --  
10 they read the blurb in the paper or whatever the paper says. If  
11 they want to go find out what their elected representatives  
12 actually said and did in totality, they'll have the opportunity.

13 And I think I said seven, but I may be misspeaking  
14 because in thinking about it, I initially thought seven, but I  
15 think the order that I'm about to sign -- no, I'm sorry. It is  
16 seven. I was thinking I was going to limit it to five, but I  
17 went back to seven thinking that would be certainly reasonable,  
18 at least on an expedited basis to get that done.

19 And that, Mr. Nassif and Mr. Caswell and members of the  
20 school board, that includes not only regular meetings, but  
21 special meetings, and I don't care if it's a special meeting just  
22 like the one you had, QZAB or whatever it was. It needs to be up  
23 there so the people can read it.

24 Now, I'm also giving you authority, Mr. Nassif, as the  
25 interim superintendent to talk to your technological person

1 because I know you've only got so much space up there at some  
2 point. You can start cleaning out all the previous school board  
3 meeting minutes that you think are appropriate, and I don't care  
4 for you to keep any school board meeting minutes, special or  
5 regular, on the website more than three months. That's not my  
6 intent. I just want to make it current so you can keep your  
7 space, but you will -- you will keep -- and, Mr. Caswell, you  
8 shall order from Ms. Bourque a copy of the transcript of today's  
9 meeting as well as the March 16<sup>th</sup>, 2006, meeting that I made  
10 reference to earlier and place those on the website.

11 I want that done within three days of Ms. Bourque  
12 turning those transcripts over to you. It may take a little  
13 while. I know she'll do the best she can. She may get you this  
14 one first and give you the one on the 16<sup>th</sup> last. I don't know.  
15 If she gives you this one first, post it. If she gives you the  
16 other one first, I'm going to ask her to hold up and just give  
17 them both at the same time. So whatever is more convenient for  
18 her. Those will not be removed or are not to be removed from the  
19 website unless I give a written order saying now you can take  
20 them off.

21 Understood, Mr. Nassif?

22 MR. NASSIF: Yes, sir.

23 THE COURT: Understood, Mr. Caswell?

24 MR. CASWELL: Yes, sir.

25 THE COURT: Now, there's also something else I'm going

1 to do in that order. It ought to be a no-brainer, but I've got  
2 to tell you, from reading the minutes of the school board  
3 meetings that I have read, that I have read, I don't think  
4 Louisiana law is being complied with. I could be wrong. I'm not  
5 giving a legal opinion.

6 And by that, Mr. Caswell, as the legal representative,  
7 I didn't mean to put you in a precarious position. I'm talking  
8 about -- and it's nothing that you've done or could have avoided  
9 in my view from reading the minutes. I may be wrong about that,  
10 but I don't think so, but the authority of a superintendent --  
11 and, Mr. Nassif, this lies right on your shoulders especially if  
12 they actually hire you as the permanent superintendent.

13 The authority of the school board and its members and  
14 what they can and cannot do, as well as the authority of the  
15 superintendent and what they can and cannot do -- and,  
16 Mr. Caswell, you've had -- not only have you advised those  
17 members from reading the transcript of the school board, but  
18 you've actually had -- I want you -- I won't use the word "argue"  
19 because that cold, sterile transcript -- I wasn't there. I don't  
20 know the demeanor, yours or the rest of them, but it was like you  
21 would say what the law was or what the procedure to be followed  
22 was, but that's not the answer that apparently was expected or  
23 wanted.

24 And, again, if anybody questions what I'm talking  
25 about, there's specific instances if one goes back and reads

1 these minutes like I do. Again, that's not at all -- you've been  
2 -- in my view you've been doing what my colleague, Rebecca  
3 Doherty, who is a Judge who sits here in Lafayette, calls herding  
4 cats. I mean, you know what the law is. You know what your  
5 obligation is. You know what their obligation is.

6 And you know you don't represent the superintendent.  
7 You represent the school board, but you don't represent Dillard  
8 Deville, Huey Wyble. You represent the St. Landry School Board.  
9 Neither do you represent Scott Richard or John Miller and I know  
10 you know that.

11 So the point of all this statement, Mr. Caswell and  
12 members of the school board and everybody else, I'm going to  
13 insert a paragraph in this record -- and there will be some other  
14 stuff, I suspect, that we'll discuss here today that will get  
15 that look of consternation off your face, Mr. Caswell, as we go  
16 through the rest of this proceeding today, but I'm also going to  
17 have provisions in the order that will make it an order of this  
18 court -- and this is the no-brainer part.

19 And I'll just read specifically what it says, what I'm  
20 about to sign. It is further ordered that the St. Landry Parish  
21 School Board and its individual members, not just the board, but  
22 that's Mr. Budden, that's each of the 13, are ordered to strictly  
23 comply with and adhere to Louisiana Revised Statute Title 17,  
24 Chapter 1, Part 2, Subpart B and following, which is entitled  
25 Powers and Duties of School Boards and Parish Superintendents.

1           Now, Mr. Caswell, if I'm right -- and I have little  
2 fear of contradiction. If anybody goes back and looks at the  
3 transcripts -- and they're out there -- you'll understand why I  
4 think this order is necessary or this provision is necessary.

5           And it's a no-brainer here because everybody is  
6 supposed to follow the law anyhow, but my intent, Mr. Caswell and  
7 Mr. Nassif, Superintendent Nassif, is to make it not only the  
8 state law, but it will be similar to, Mr. Caswell, of what I did  
9 earlier about -- and I always forget his nickname, but the  
10 previous state representative to the young Mr. Cravins who is now  
11 the state senator who died unfortunately in office, the state  
12 representative.

13           He was the lead author -- and I've alluded to that;  
14 it's in the record of these quarterly meetings a number of times  
15 -- of a state statute which is part of Title 17, which is the  
16 Powers and Duties of the Superintendent and School Board. It  
17 said individual members weren't supposed to get involved in  
18 employment decisions.

19           And, you know, just a quick version of that, the school  
20 board technically is the one that hires the school employees, but  
21 they do that on a recommendation from the superintendent, and the  
22 -- they hire the superintendent, and the superintendent, with the  
23 permission of the school board, selects a senior staff to run the  
24 school system, to run the school system. They may not like that.

25           And I'm from Avoyelles. Avoyelles isn't much different



1 from St. Landry when it comes to good ol' boy politics. I  
2 understand how that works. And I know this, that black folks  
3 aren't any better than white folks or any worse than white folks  
4 when it comes to good ol' boy politics. That's just politics, at  
5 least in rural Louisiana.

6 So as part of that don't interfere, there's much more  
7 to it. There's much more to it. This is a whole chapter, part  
8 of that don't interfere with employment, but there's a lot more  
9 to it.

10 Now, Mr. Caswell, if you don't mind me saying so -- and  
11 I hate to again, Superintendent Nassif and members of the school  
12 board, impose any greater financial burden on the school system  
13 than this is going to mean, but I think from my review of the  
14 minutes of the meetings, some of you members, some of you members  
15 need some real education on what that statute contains and how  
16 it's supposed to work under the law, which shortly will become an  
17 order of this Court, or they face some really adverse  
18 consequences.

19 It's not just with the Ethics Committee like that poor  
20 fella from Evangeline Parish who spent three days in jail on a  
21 ten-day sentence or had a \$10,000 fine, all but \$3,000 suspended,  
22 and now he's doing whatever they're going to do in the Ethics  
23 Committee. It's not that kind of thing. This is serious stuff.

24 So, again, it's going to take some of your energy, a  
25 lot of your time, and, unfortunately, a lot of school board

1 resources, but, Superintendent Nassif and Mr. Caswell, I would  
2 suggest to you this.

3 I know that Superintendent Moreau used to have  
4 retreats. There was a financial issue or whatever else. And  
5 then I think after Mr. Richard, Scott Richard, came on the board,  
6 there was some question about whether that was legal and they  
7 were spending school board money and all of that, which turned  
8 out it wasn't true, but Scott raised the issue.

9 And I don't know how many have been held since or what  
10 he did in the last -- I just don't recall, but I know there was a  
11 certain amount of collegiality that was able to be gained by  
12 having the retreat in a social setting, too. And whoever paid  
13 for it -- it wasn't public money. That can still be done. And  
14 whether or not it's appropriate to have alcohol at such a meeting  
15 that's paid for with not public funds, there's no official  
16 business going on, I guess that's a -- I don't know what that is,  
17 political, moral or whatever kind of decision that is, but  
18 whatever it did in the old day, it endeared these members on some  
19 level to each other greater than it certainly is now.

20 And I'm not suggesting you should or shouldn't do that  
21 kind of thing, but this might be the kind of format where it  
22 would be effective for your members to just go to school.

23 Mr. Caswell is a great lawyer. I don't see him in just  
24 this case. I see him in other matters. He's a great lawyer. He  
25 speaks like he's a teacher. Those of you who are teachers, you

1 know that, but, anyhow, he makes it pretty clear and he holds his  
2 ground and, you know, for that I respect him greatly.

3 Like I say, I've read more of his comments in  
4 transcripts of school board meetings than I've actually read or  
5 seen in court, but I've had him in court enough other than this  
6 case. So however you decide or your successor decides. It's  
7 important. It's real important.

8 And so you'll know, too, Mr. Nassif, Superintendent  
9 Nassif, Mr. Caswell not only represents, to my knowledge, this  
10 school system, but he represents at least one other one and maybe  
11 more, I don't know, but he is well-versed in school law.

12 You always hear this conversation when you see  
13 politicians running. You know, I hit the ground running. You  
14 know, I've got this experience and that, and sometimes he or she  
15 is making a point, some point, and sometimes they're just  
16 talking, but Mr. Caswell can help you hit the ground running. He  
17 can help the school board with what I'm about to sign.

18 And without further ado, I am going to sign it and I'm  
19 going to give that to Ms. Jordan and ask her to file that in the  
20 record. And I suggest that it will probably be necessary and  
21 appropriate, certainly appropriate, maybe not necessary, that  
22 before you leave this building sometime today, later today, that  
23 you get a copy of that.

24 If you think, Mr. Caswell, it's important to your  
25 individual members to walk out of here with a copy, that would be

1 a good idea, too, probably. If I would have thought about it, I  
2 would have gone ahead and had those copies made, but I didn't.

3 Now, moving on to my next subject. I talked about  
4 necessary and appropriate. Well, I don't know about the rest of  
5 you, but I think it's necessary and appropriate, certainly for  
6 Ms. Bourque and probably for the Judge, to let's have a brief  
7 recess.

8 And we're going to be here unfortunately a little  
9 longer. We have some other very important business that this  
10 Court needs to take up in this matter here today. You are all  
11 invited to continue to be present.

12 Ms. Bourque, I don't want to hurt you. I want to help.  
13 I'm not unmindful we have Evangeline Parish that will follow  
14 this. And for my friends in Evangeline, they'll just have to  
15 wait. I want to make sure that you are able -- I think that will  
16 be a relatively short meeting relative to this meeting. I want  
17 to make sure I'm not hurting you.

18 What's an appropriate amount of time for you to take a  
19 break because we all -- you know, you're the most important  
20 person in the courtroom for the historical record.

21 COURT REPORTER: Fifteen or twenty minutes.

22 THE COURT: We'll be back here -- and those of you who  
23 choose to come back, like I said, are welcome. Those of you who  
24 are required to be here -- and that includes the school board  
25 members and the superintendent and his senior staff as well as

1 naturally all of the lawyers -- synchronize your watches with  
2 that clock up there. I mean 20 minutes to the second we'll be  
3 back here -- or let's just do a little better than that so it's  
4 even. Twenty minutes -- we'll be back here at ten minutes to  
5 2:00 based on that clock.

6 Now, all those of you who have been invited to return,  
7 you're not required to return. If you plan to return, I'm going  
8 to ask you to come back here so you're in place a minute or two  
9 or three before because this is very important stuff we're about  
10 to get into and I don't want any disruptions.

11 In fact, I'm almost of the view that if you're not back  
12 here by that time, I'm just going -- well, that wouldn't be  
13 appropriate. I'm not going to do that.

14 Please, I ask you. I'm not going to bar anybody from  
15 entering, but we don't need any more disturbances that we may  
16 otherwise have.

17 All right. With that, we are in recess. I'll see  
18 everybody back here at ten minutes to 2:00.

19 (RECESS)

20 THE COURT: All right. Please be seated. I trust --  
21 is Mr. Hammonds here yet?

22 Mr. Hammonds, all of your people that are here with you  
23 today for the Evangeline Parish hearing are certainly welcome to  
24 be in here or they can wait outside. We're just running a little  
25 late and it's going to be a bit of time before we get to you, but

1 we're going to do the best we can.

2 And I'm going to ask the government and you and  
3 Mr. White -- Ms. Taylor, I'm getting ready to ask you to consider  
4 something. Just to save -- this doesn't need to be on the record  
5 yet right now, Ms. Bourque.

6 (OFF THE RECORD)

7 THE COURT: Now we will go back on the record.

8 I misspoke a few minutes ago and I regret that and I  
9 thought about what I said, and I had mentioned the scowl or the  
10 frown on poor Mr. Caswell's face.

11 It was not my intention to say that I thought the  
12 school board meetings were being conducted illegally. It was,  
13 rather, my intention -- and that's why the statute that I have  
14 made an order of this court, the Louisiana Revised Statute about  
15 the powers and duties of the school board and a school  
16 superintendent, will now become the order of this court, is that  
17 I believe, from reading those transcripts, that it is some of the  
18 members of the school board who -- and that's where I got to the  
19 point.

20 I see the discussions that are had there who don't  
21 understand their role as school board members vis-a-vis the  
22 superintendent, whoever the superintendent may be, whoever,  
23 because the law sets that out, not individual school board  
24 members.

25 I guess you could pick a man or a woman to be your

1 superintendent who you could use with puppet strings like they  
2 used to do in the not to recent past in most of the country  
3 school board systems, but that's not the way the statute is set  
4 up and that's not the way this Court, as it relates to issues in  
5 this desegregation case, is going to let any school system, this  
6 one or any other one, operate. The law of the state will be  
7 followed. And so I apologize if I didn't clear that up earlier.

8           There's another thing I want to make mention of because  
9 when I mentioned Doc Hudson and the law that he helped pass, on  
10 -- and as I recall -- and I may be wrong. He actually came to a  
11 meeting, a quarterly status conference meeting.

12           I didn't know who he was, so I didn't talk to him, but  
13 I had called him on the phone after I heard that he had enacted  
14 this statute that said, okay, school board members individually,  
15 quit playing good 'ol boy politics. Quit sticking your nose in  
16 who the superintendent recommends you're going to hire.

17           And he, along with Representative Israel Curtis over  
18 from Rapides Parish, got a law passed which got to be part of the  
19 law of duties of school boards and superintendents that is now  
20 made an order of this court that I made reference to earlier.

21           And I thanked him for doing that. I said, I'm dealing  
22 with two school boards right now. I appreciate that. I can tell  
23 you I've had numerous other school boards in desegregation cases.  
24 Thank you. And I grew up in Avoyelles Parish. I mean, I know  
25 how the system plays and works.

1           So, at any rate, after that meeting, had I -- I had  
2 never met Doc Hudson unless I met him in my political days back  
3 with Mr. Renaud or others way in the old days. I don't know.  
4 Maybe I did. Mr. Renaud nods that I did. He got to be, I guess,  
5 more prominent years later, but at any rate. So, okay, we were  
6 in the same trenches back then, but had I known he were here, I  
7 would have certainly gone down and thanked him personally.

8           And the point of all of this is on December the 10<sup>th</sup> of  
9 2004 I signed an order that is of record in this proceeding. I  
10 don't know that I have the record doc number. I don't, but it's  
11 there. That's the date, December 10<sup>th</sup>, 2004, Mr. Richard, Scott  
12 Richard, who I know takes notes on these things.

13           And I don't have the entry number to give you, but that  
14 order said -- and I'm going to take a little more time before we  
15 get to the issue at hand.

16           It was ordered that in no event shall a school board  
17 member request outside of an official school board meeting that  
18 any specific employment decision concerning an employee or a  
19 potential employee with the St. Landry Parish School Board be  
20 made. Each school board member is required to comply fully with  
21 Louisiana Revised Statute 17:81P(1) and (2), a copy of which is  
22 attached hereto.

23           And it also said -- and this is the operative thing and  
24 this is the -- you know, you get the carrot and stick approach?  
25 Well, the stick was don't do it. Follow the law, school board



1 members.

2           The further stick -- I guess the carrot was here's the  
3 law, here's the opportunity, just don't violate the law, but the  
4 stick, I guess, really is: It is further ordered that any  
5 employee of the St. Landry Parish School Board, any employee now,  
6 who is approached by a school board member or members in  
7 contravention of the foregoing paragraph is to report same to the  
8 attorney for the St. Landry Parish School Board who, in turn,  
9 shall report same to the United States Attorney for the Western  
10 District of Louisiana.

11           So, in other words, if some school board member for  
12 whatever his or her own reason -- and, Mr. Scott Richard, my  
13 astute clerk says it's Record Document 80. So that will save you  
14 some time when you're looking for it.

15           If he or she, the school board member, says, well, I  
16 want to go find out if I can't influence this employment  
17 decision, we've got an affirmative obligation to report that to  
18 the school board attorney.

19           Now, to my knowledge, Mr. Caswell -- and you could  
20 correct me -- no employee has actually done that. And I may be  
21 wrong, but memory -- my memory, as you well know, doesn't serve  
22 me as well as it used to for a couple of reasons, but I don't  
23 recall that nor -- and I'd ask Ms. Taylor if she recalls, too,  
24 but do you recall any such instance?

25           MR. CASWELL: Your Honor, I can speak for myself that

1 I've never had an employee of the St. Landry Parish School Board  
2 come to me and indicate that a board member has violated that  
3 order by attempting to influence an employment decision.

4 THE COURT: And, Ms. Taylor or Mr. Washington, at this  
5 point is that true? To your recollection, Mr. Caswell has never  
6 approached either one of you in compliance of this order of  
7 something that has been reported to him?

8 MR. WASHINGTON: Your Honor, Mr. Caswell has not  
9 approached the U.S. Attorney's Office with such an issue.

10 THE COURT: Okay. Ms. Taylor, that's your --

11 MS. TAYLOR: We say the same, Your Honor.

12 THE COURT: Okay. Great.

13 So, at any rate, that's where we were, but that earlier  
14 order that I signed this morning encompasses not only this order  
15 that goes back to December 10 of '04, Record Document 80, but the  
16 whole statute that sets out what school board members or school  
17 boards, the authority they have under the law vis-a-vis their  
18 duly retained, hired professional educator who is to run the  
19 system.

20 And, again, you all probably read the same newspapers I  
21 read, and I don't know anything but what I read in the paper most  
22 of the time, and as I said earlier, I think our friends in the  
23 media do the best they can, but sometimes they just don't get it  
24 right, and I don't need to elaborate on that, but it seems to me  
25 there are a number of school boards in our immediate area that

1 now don't really understand -- or haven't read that statute  
2 lately or don't know, but, at any rate, that's somebody else's  
3 concern and I don't make a value judgment on that because I don't  
4 know what they're thinking.

5 All right. At this time I'd like to call Ms. Josie  
6 Frank to come up here.

7 Ms. Jordan, if you'd administer the oath to Ms. Frank.

8 THE CLERK: Please raise your right hand.

9 Do you solemnly swear that the testimony you will give  
10 in this case will be the truth, the whole truth and nothing but  
11 the truth?

12 MS. FRANK: I do.

13 THE CLERK: Thank you.

14 Whereupon,

15 JOSIE GAIL FRANK

16 was called as a witness; after having been first duly sworn, was  
17 examined and testified as follows:

18 **EXAMINATION**

19 BY THE COURT:

20 Q Good afternoon there, Ms. Frank.

21 A Good afternoon, Your Honor.

22 Q How are you doing today?

23 A I'm great. Thank you.

24 Q Good.

25 There are a number of questions that I need to ask you.

1 And, first of all, I want to assure you that at the outset I may  
2 ask you some personal questions. I'll try not to get too  
3 personal. However, I will not ask any question that I do not  
4 think is germane to the issue at hand as the Court sees it.

5 So with that caveat, please know I'm not trying to get  
6 more in your business than I need to.

7 A I'd also like to ask the Court a question.

8 Q Well, that's not how it works. You're a lawyer and you  
9 know.

10 A I know. I'm just stating. Go ahead. Ask your questions.

11 Q Okay. Now, what's your full name?

12 And what I'm talking about personal, like age and stuff  
13 like that. You know, a man is -- a man is never supposed to ask  
14 a woman her age, especially when a woman is roughly -- and I'm  
15 saying that within the span of 10 or 15 years -- that man's  
16 contemporary. Now, we may be closer than that, but that's the  
17 kind of stuff I'm going to talk about as far as the personal  
18 area.

19 Now, there are some other things I'm going to ask you  
20 truly, but by personal, that's what I meant. So don't be  
21 concerned about anything more personal than age. So that's with  
22 that.

23 What's your full name, please?

24 A Josie Gail Frank.

25 Q And what is your occupation?

1 A I am an attorney and I'm also an arbitrator mediator.

2 Q And what's your professional business address?

3 A It is 118 South Court Street, Suite 132, Opelousas,  
4 Louisiana, 70570.

5 Q And what's your -- and you don't have to give a street  
6 address, but your personal residence, in which community do you  
7 reside, actually live?

8 A Eunice, Louisiana.

9 Q Okay. Are you from the Eunice area originally?

10 A I am.

11 Q Okay. And I assume since you're an attorney at law you have  
12 a law degree. What other degrees, college or advanced degrees,  
13 do you have and from where?

14 A You'd like to know my educational background?

15 Q Yes, ma'am. I'm talking about not your high school, but  
16 post high school. I'm talking about college degrees.

17 A I attended Clark University in Winchester, Massachusetts. I  
18 have a BA degree in psychology.

19 Q From?

20 A Clark University.

21 Q Okay.

22 A I attended Coppin State College in Baltimore, Maryland.

23 Q And how do you say that?

24 A I have a master's degree in --

25 Q Okay. Coppin?

1 A Coppin, C-O-P-P-I-N.

2 Q Okay. And that master's is in what?

3 A Education.

4 Q Okay. Proceed. I didn't mean to interrupt you.

5 A And I have a JD degree from the law center at Southern  
6 University in Baton Rouge, Louisiana. And I've taken some  
7 advanced courses in the area of management in the MBA program at  
8 Tulane University in New Orleans, Louisiana.

9 Q Okay. And let me ask you, would it be fair to say since --  
10 I assume that you didn't do these out-of-state degrees in  
11 Massachusetts and Maryland by correspondence, but that you  
12 actually lived in those regions of our wonderful country for some  
13 period of time.

14 A That's correct. I lived in Massachusetts from 1966 to 1971  
15 and I lived in Maryland from '71 to '73.

16 Q Okay. And are you currently a member of the Louisiana State  
17 Bar Association?

18 A I am.

19 Q And what year were you admitted as a member of the Louisiana  
20 State Bar Association?

21 A May 2<sup>nd</sup>, 1980.

22 Q And are you also a member of the bar of this court, the  
23 United States District Court for the Western District of  
24 Louisiana?

25 A I am.

1 Q In what year were you admitted?

2 A 1980. I think it was the same time, the same year.

3 Q Okay. It seems to me, from the information that I have been  
4 able to gather, you were admitted like on April 23<sup>rd</sup> of '81.

5 A Okay. Well, I don't recall exactly.

6 Q It was about '82. That's right. It was about '82.

7 So at this time -- and I think you may have answered,  
8 but I just want to make sure. Are you actively engaged in the  
9 practice of law at this time?

10 A I'd say that's a yes and no question, Your Honor.

11 Q Okay.

12 A In that I am doing a practice, but most of my work is as  
13 hearing officer for the Parish of St. Landry and a portion of my  
14 work is doing arbitrations.

15 Q Okay. Well, help me with that, the hearing officer. What  
16 do you do for the parish as a hearing officer? What kind of  
17 cases do you hear?

18 A I conduct all of the hearings for support enforcement for  
19 the parish, and I conduct all of the domestic violence hearings  
20 for the parish.

21 Q So that would be -- when you say "support," I take it to be  
22 child support?

23 A Yes, sir.

24 Q And domestic violence, that would be spousal abuse or child  
25 abuse?

1 A Spouse abuse, dating abuse, child abuse.

2 Q I'm sorry. You said spousal abuse and then you said --

3 A Dating.

4 Q Dating. Okay. I'm sorry. I didn't understand.

5 And the support or the hearing officer duties you  
6 perform, is that in the nature of a civil or a criminal matter  
7 when they come before you? How does that work?

8 A It's actually civil with some criminal connotations in that  
9 I can send people to jail.

10 Q You can? You have the authority to do that?

11 A Yes. I can revoke someone who's on probation and give them  
12 a sentence.

13 Q Okay. A somewhat lesser jurisdiction than, say, someone  
14 like me, a United States District Judge, has, but also the same  
15 authority? If you find somebody that needs to go to jail, you  
16 can send them to jail?

17 A That's correct.

18 Q Okay. So I take it then -- well, have you in the past --  
19 right now I assume -- well, let me not assume.

20 The practice that you do now, not the arbitration or  
21 whatever other work you do -- is it arbitration or mediation?

22 A Arbitration.

23 Q Okay. Is that binding arbitration?

24 A Binding arbitration.

25 Q Okay. And what kind of cases do you consider in your



1 arbitration? I mean, what do you serve as arbitrator for, what  
2 kind of cases?

3 A I have a contract with the United States Postal Service. I  
4 travel over ten states doing hearings with law labor employment  
5 situations, collective bargaining agreements.

6 Q So you -- and I'm not saying you hold yourself out as an  
7 expert in either contract or labor law, but that's what you  
8 arbitrate in the decision you make between parties who I assume  
9 have agreed to go to arbitration and that it be binding meaning  
10 that they would not go to a court if they weren't happy with you  
11 unless -- except in very limited circumstances. You make the  
12 decision in those cases. So you are familiar generally with  
13 labor law and employment law, those kind of issues?

14 A That's correct.

15 Q And maybe you do hold yourself out as being an expert. I'm  
16 not saying you're not.

17 Okay. Now, the practice that you do now. You said you  
18 do the hearing officer, the arbitration and practice. What type  
19 practice do you have?

20 A I do property transfers, successions.

21 Q Okay.

22 A Criminal defense, felony criminal defense work.

23 Q Criminal defense and felony criminal defense?

24 A Uh-huh.

25 Q Okay. And you're currently -- or I don't know that you have

1 any cases right now. That's not the intent of the question, but  
2 you currently are a criminal defense lawyer. If somebody comes  
3 in tomorrow, they can hire you?

4 A Yes.

5 Q Okay. So I take it without question that you understand the  
6 difference between a crime that is classified under law as a  
7 misdemeanor as compared to a felony?

8 A Yes.

9 Q When were you first elected to the St. Landry Parish School  
10 Board?

11 A April, 2003, I think.

12 Q And have you since been reelected to the St. Landry Parish  
13 School Board?

14 A That's correct.

15 Q And when was that, ma'am?

16 A In August of 2006.

17 Q This past year. And when did that -- the term for which you  
18 were reelected, when do those school board members actually take  
19 office?

20 A January, 2007.

21 Q So roughly within, give or take a few days, about six  
22 months?

23 A Approximately.

24 Q Okay. And when was it that the current officers -- that  
25 would be Ms. Eaglin and Mr. Miller -- were elected as president

1 and vice-president by the new board?

2 A January, 2007.

3 Q And would that have been at the initial meeting that you all  
4 had after you congregated and took the oath and got to take your  
5 seats as new members of this board?

6 A That's correct.

7 Q Okay. Since your election to the St. Landry Parish School  
8 Board in August -- or excuse me -- back in -- I think you said  
9 April. Was it 2003?

10 A Three.

11 Q Okay. April, 2003.

12 Have you been in regular attendance at the quarterly  
13 meetings with the Court that includes the lawyers and all of the  
14 parties, the superintendent of St. Landry Parish schools and  
15 senior staff, as well as all of the other members of the school  
16 board with the exception of your late arrival at the  
17 September 16<sup>th</sup>, 2004, meeting and being absent with permission of  
18 the Court from the March 16<sup>th</sup>, 2006, quarterly meeting?

19 A I do believe that I have been.

20 Q Were you also in attendance at the special hearing that this  
21 Court conducted with the school board members and the attorneys  
22 for the parties on January 31<sup>st</sup>, 2007, this year, a few months  
23 ago?

24 A Was I --

25 Q Were you in attendance? Yes, ma'am. This is the one that

1 we had where you'll recall the issue was -- that's the one where  
2 Mr. Richard was actually placed on the stand.

3 A Yes, I was here.

4 Q You were here. Okay. I assume from what your resume is and  
5 background, professional background, you are aware that a person  
6 convicted of a federal felony, a person convicted of a federal  
7 felony is prohibited from exercising certain rights, among them  
8 the right to vote, the right to hold public office, and the right  
9 to practice law?

10 A That's correct.

11 Q Now, this is that somewhat uncomfortable personal area. How  
12 old are you, Ms. Frank?

13 A I'm 58.

14 Q All right. Well, I beat you by three years. I'm 61. I was  
15 born in 1946. What year were you born in?

16 A 1949.

17 Q Okay. Well, I take it from your response that you are of  
18 sufficient age -- and certainly I don't know where you were --  
19 you gave the dates -- where you were between like '71 and '73 or  
20 '74. Where were you between like '71 and '74 in your educational  
21 development?

22 A I was on the East Coast completing my undergraduate degree  
23 and studying for my master's.

24 Q Okay. And where were you, between Massachusetts and  
25 Maryland? Would that be a fair characterization?

1 A Yes.

2 Q So I take it then particularly -- and I don't say  
3 particularly, not that we weren't all paying attention in our  
4 part of the country, but I know from spending a great deal of  
5 time up on the East Coast now, up in the northeast, that there  
6 seems to be a lot more -- well, the proximity of Washington, I  
7 guess, just makes it more amenable to knowing what's going -- the  
8 issues of the day.

9 You do remember the Watergate affair involving  
10 President Nixon and all of that that the country went through at  
11 the time?

12 A Yes, I do recall.

13 Q And you also -- do you also remember that many of the people  
14 who subsequently -- who were caught up in that Watergate affair  
15 happened to be attorneys at law?

16 A That's correct.

17 Q And I can remember, quite frankly, because I'm in law school  
18 -- and, again, there might be people that are older than me or of  
19 my age that would disagree with what I'm about to say, and you  
20 may not even agree with it now, but I think unfortunately since  
21 that time our profession, our wonderful profession, the legal  
22 profession, the glue, if you would, that holds our society  
23 together has been pretty much held in a lot less respect than it  
24 was prior to that. And, of course, there are more lawyer jokes  
25 now than any other kind of jokes like car salesmen or undertakers

1 or anybody else, I think.

2           So I remember that. That was my impression as a young  
3 law student at Tulane University at that time, but have you heard  
4 it said about that time in the Watergate affair and particularly  
5 those lawyers who later on ended up having legal problems and  
6 going to jail, some of them, many of them, that it was the  
7 coverup rather than the substantive crime that caused most of the  
8 criminal legal problems for those lawyers? You heard that said?

9 A Not that I recall.

10 Q I've heard it said and I think it's out in the universe and  
11 that was my recollection, that many of them were either lying to  
12 Congress or committing perjury before a Grand Jury. I don't  
13 know. Maybe some of them were actually in federal court. I  
14 don't know.

15           Are you also familiar with a phrase -- and I think it's  
16 from the Book of John in the New Testament, and I may be wrong,  
17 that the truth shall set you free? Have you heard that before?

18 A I've heard that many times.

19 Q Are you aware that lying or making false statements under  
20 oath in a federal court proceeding is a federal criminal felony?

21 A That is correct.

22 Q Are you also aware that anyone who lies or makes a false  
23 statement to an FBI agent during an investigation being conducted  
24 by that FBI agent, if convicted, is guilty of committing a  
25 federal criminal felony?

1 A Yes.

2 Q In your 58 plus years on the planet, have you had personal  
3 life experiences where after the fact of that experience you  
4 pondered why you did what you did and wished you could go back  
5 and undo what you had done?

6 A No, because I don't live a life of regret.

7 Q Okay. Well, on the one hand I think that makes you more  
8 fortunate than me because I've got a lot of things that, given  
9 the chance to go back and do differently, I would have done  
10 differently. However -- and some of them were of minor  
11 significance and some of them were frankly major.

12 And if I could share with you what I just did in my  
13 life experience, Ms. Frank, I respectfully -- and I mean most  
14 respectfully -- suggest to you this may be one of those moments  
15 in your own life. Like I say, that's with great respect.

16 Do you know a woman, a lady, by the name of Lakesha  
17 Victoria Miller?

18 A I do.

19 Q Are you related by blood or marriage to Ms. Miller?

20 A Lakesha Miller is the daughter of Gary Victoria who is the  
21 baby son of my daddy's baby sister.

22 Q So I'm not quite quick enough to figure that out, but if you  
23 know -- and you don't have to figure it out either, but what does  
24 that make her to you, second cousin?

25 A I would say.

1 Q Okay.

2 A That's correct.

3 Q And do you know by whom Ms. Miller is currently employed?

4 A The school board, the St. Landry Parish School Board as far  
5 as I know.

6 Q And do you know where she is currently employed and what  
7 position she is employed at?

8 A She is the administrative assistant at Eunice Junior High  
9 School in Eunice, Louisiana.

10 Q Okay. Now, did you receive a copy of this Court's order of  
11 May 31<sup>st</sup>, 2007, that was signed at 2:35 p.m., which, Mr. Richard,  
12 is Record Document 139 of this proceeding, that contained a copy  
13 of the Court's May 21<sup>st</sup>, 2001, order signed at 4:06 p.m., which  
14 is Document 138 of the record of this proceeding, and a copy of  
15 the school system attorney's, Mr. Caswell, response to the  
16 Court's May 23<sup>rd</sup> -- excuse me -- May 21<sup>st</sup>, 2007, order as well as  
17 the May 23<sup>rd</sup> order -- excuse me -- of the -- yes. I'm sorry.

18 My order was May 21<sup>st</sup>. Mr. Caswell's response was  
19 May 23<sup>rd</sup>. My last order that included all of those would have  
20 been May 31<sup>st</sup>. Did you get that?

21 A From as far as I can recall, I probably did receive it, but  
22 I would like to have it in my hand if I received it.

23 Q I'm going to make sure you have that opportunity. The  
24 provision in that order stated that the Clerk of the Court was to  
25 mail it to not only you, but all of your colleagues as well as



1 all of the lawyers involved in this case.

2 THE COURT: And what I'm going to do, I'm going to ask  
3 that we get Ms. Frank a copy of that order. And I think we have  
4 a sufficient number of copies so we can hand out to all the  
5 members of the school board.

6 And give me one copy, please.

7 And while we're -- Ms. Frank, I want you to review  
8 that, what was attached there.

9 And go ahead, Laura. If you would get the school board  
10 first. I want the lawyers to get it.

11 And all of those of you who are out there, we've got a  
12 lot of copies, but I don't think I have enough for y'all. So I  
13 would ask you, if you care to and you want to look at this, y'all  
14 share them because I'm going to be asking some questions that  
15 might be -- it might be good to have with you if you choose to  
16 follow along.

17 And you just take your time, Ms. Frank, and until they  
18 get through handing them out to everybody else, we'll just let  
19 you read through it and make sure that you in fact did receive  
20 that.

21 And, again, I apologize to all of those of you who  
22 won't get an actual copy, but please share it with your neighbor  
23 if you would like to follow along.

24 All right. I take it, ladies, that you have  
25 distributed all the copies that we have?

1 THE CLERK: Yes.

2 BY THE COURT:

3 Q Ms. Frank, you let me know when you're ready to answer the  
4 question about whether or not you received a copy of that order  
5 with those attachments.

6 A I did receive this document.

7 Q Okay. Now, I don't know this, Ms. Frank, but I take it that  
8 when you receive an order, a copy of an order from this or any  
9 other court, as the good attorney that I assume you to be,  
10 especially one that involved an entity that you weren't an  
11 attorney for, but you were an elected member of, that you read  
12 the order. Is that a fair assumption?

13 A I'm sorry, Your Honor?

14 Q I said good attorney that I presume you to be, I take it  
15 that when you get an order from this court or any other court,  
16 that whether -- and in this case you're not representing a party  
17 to that proceeding, but you are a duly elected member of the  
18 entity that is a defendant in the suit, that you would read the  
19 order. Is that a fair assumption?

20 A Yes.

21 Q Okay. So I can assume after you received this order, my  
22 order of the 31<sup>st</sup> of last month, May, that you looked at it as  
23 well as the attachments?

24 A Yes.

25 Q Thank you.

1           Now, were you aware that Ms. Lakesha Miller, the lady I  
2 think who you've identified that you know as being your -- we  
3 both agreed it was second cousin. Whatever the relationship that  
4 you described actually turns out to be in a strictly legal sense  
5 is not germane, but were you aware that Ms. Miller was going to  
6 apply for a position as a principal at the Eunice Junior High  
7 School?

8       A     Yes.

9       Q     How did you become so aware?

10      A     Ms. Miller called me the night of -- if I could get a hold  
11 of my calendar.

12      Q     You sure may. Yes, ma'am. Step on down there. You know, I  
13 had that -- I guess I still have that same problem, Ms. Frank.  
14 Maybe it's not a problem, but I noticed the older I got, the  
15 duties that lawyers have, it actually made me a better lawyer  
16 because I had to start writing down everything because I was  
17 losing my memory, and that was way before I got my advanced age  
18 or my chemo brain. So I understand why people like me write  
19 things down.

20           I guess if you review your calendar and you find out a  
21 date, that would make it pretty certain, right?

22      A     That's correct.

23      Q     Good.

24      A     If you want the truth, you'll get the truth.

25      Q     Absolutely. Nothing but the truth.

1 A Ms. Lakesha Miller called me on April the 12<sup>th</sup>, 2007, at my  
2 residence to inform me that she was applying for the position of  
3 principal.

4 Q Okay. Did you -- and let me ask you. I just told you about  
5 how I started doing it and you were walking away and maybe you  
6 were able to hear everything I said and maybe not, but it's  
7 really not important except that I started -- I said as a lawyer,  
8 the older I got -- and maybe you've always done it -- I started  
9 writing down everything because I just didn't remember like I did  
10 when I was younger. And it made me actually a better lawyer  
11 because I had a record of what I had done and what I had to do  
12 kind of. So it's innate especially for our profession. Is that  
13 a fair assessment?

14 A I learned in my undergraduate studies to take notes on  
15 everything because I was in an environment that wasn't so  
16 friendly to me. So I kept a journal from that time. I was 17  
17 years old.

18 Q Well, you're like that senator we used to have, a democratic  
19 senator from Florida. I've forgotten his name right offhand.  
20 When they found out he wrote everything down, they said, well,  
21 why is that guy so different from the rest of us? I think that's  
22 a great attribute. So you have a pretty good chronicle of what  
23 you've done going back to age 17?

24 A I don't have all of the books now, but the records that I  
25 have maintained, I can tell you exactly what has -- things that

1 are of significance to me I notate in my diary. It's a journal,  
2 but I learned to do that when I left my home as a child to be in  
3 an environment that wasn't as friendly as I thought it would have  
4 been.

5 Q Okay. Well, that's good. I understand.

6 So I take it then the way you described it, you said  
7 from that time anything that you thought was -- I think you said  
8 was significant --

9 A That's correct.

10 Q -- that you wrote down. And I take it because you wrote  
11 down the fact Ms. Lakesha Miller had called you and advised you  
12 on April 12<sup>th</sup> -- I think that was the date. April 12<sup>th</sup>?

13 A I did --

14 Q Or -- go ahead. I'm sorry.

15 A May I correct you?

16 Q Yes, ma'am.

17 A I did not write that down. I knew that was the date because  
18 on the 13<sup>th</sup> of April I left for San Francisco, California, and  
19 she called me while I was packing my suitcase.

20 Q I see. Okay. So I misspoke and you apparently  
21 misunderstood when I misspoke. I was under the impression that  
22 your journal referred to significant events in your life that  
23 occurred during the days of your life as they go forward.

24 A That's correct.

25 Q And the only reason you remember Ms. Miller's call is

1 because you had another significant event the next day. You were  
2 going to San Francisco, which I think most of us -- certainly all  
3 of us who have been to San Francisco would agree that any time  
4 you get a chance to go to San Francisco, that's a significant  
5 event. It certainly would be in my life and has been.

6 Now, from your review of that order that I gave you a  
7 copy of, my order of the 31<sup>st</sup> with the attachments -- and I'm  
8 going to refer you particularly to the attachment that's  
9 Mr. Caswell's letter complying with my order.

10 And if you'd look at the list of the committees that  
11 were appointed by the superintendent who select the Eunice Junior  
12 High School principal as well as the Morrow Elementary principal.

13 A You want me to look at that page? It's Page 8 of 14? Is  
14 that what you're looking at?

15 Q I think it's Exhibit Number 3 actually right now and that  
16 shows the makeup of the committee. Do you not have that? Yes,  
17 ma'am. It's Number 4 on what I have. Let's see. Three. I  
18 apologize.

19 A I've got three here.

20 Q Yes, ma'am. That's the one I'm asking you to look at. I'm  
21 sorry. I apologize for the confusion.

22 Now, I know some of these people. I don't know all of  
23 them, but I'm asking you if you would just look at the names. If  
24 any of them you don't know, please tell me you don't know them,  
25 and if you do know all of them, please tell me if the race that

1 is set out to the right of each of those people -- or person's  
2 name is correctly stated, whether Caucasian or African-American.

3 A I do know these people and the race is correct.

4 Q And the next column over is the years experience, and  
5 there's a number of numbers set out there starting -- in the  
6 first instance it looks like Eunice Junior High, years  
7 experience, 34 years, and for the first entry that would be  
8 Mr. Carmon. He's Director of Federal Programs.

9 The next person is Director of Personnel. That would  
10 be Ms. Katherine Soileau. She had 34 years, too.

11 The next one is Mr. Michael Guidry. He's indicated as  
12 the Director of Curriculum. He's got 40 years.

13 The last one is Ms. Martha Wilhite. She's indicated to  
14 be a Supervisor of Instruction who has 31 years.

15 To your knowledge and best belief, would those -- that  
16 years of experience column, would that appear to be correct from  
17 your own knowledge of what you do know and what you believe?

18 A I have no idea if that's correct.

19 Q But you would have no reason to dispute that if it was set  
20 out there, would you, or would you?

21 A I would not believe that they would put something inaccurate  
22 down.

23 Q Okay. And the next column over is years in present  
24 position. And for Mr. Carmon that would be Director of Federal  
25 Programs. For Ms. Soileau, Director of Personnel. For

1 Mr. Guidry, that would be Director of Curriculum. For  
2 Ms. Wilhite, that would be Supervisor of Instruction.

3 And then it would be for Mr. Carmon, twelve years;  
4 Ms. Soileau, eight years; Mr. Guidry, seven years; Ms. Wilhite,  
5 four years.

6 Would you know to your general knowledge if those are  
7 true?

8 A No, I don't know.

9 Q Would you have any reason to dispute any of them?

10 A None.

11 Q Now, if you'd look over at the next page -- and I think it  
12 starts out as Eunice Junior High applicants. It's Item Number 4.  
13 Do you see that page?

14 A Yes.

15 Q And there are a number of names that I perceive to be  
16 applicants for the position of principal at Eunice Junior High  
17 School. And they start with the name Claude Courville. The next  
18 name would be Chad Lemelle. The next name would be Lakesha  
19 Miller. And the next name would be Leroy Payne. Do you see  
20 that?

21 A I see that.

22 Q Do you know all of those people?

23 A I know every one of them.

24 Q And I'm not going to go ahead and talk about what position  
25 they currently hold or what years in the current position. I'm



1 going to skip that and go on over to the next column which says  
2 numerical vote, which I perceive to be the ranking that the  
3 committee that we just went over on Item 3 placed these people  
4 in. Do you see that column?

5 A I see that column, but I have no idea as to what that  
6 indicates.

7 Q Okay. Well, let me suggest to you for the sake of our  
8 discussion and your answer to my question that that is exactly  
9 what it means, numerical vote. It means how that committee  
10 ranked the candidates that that committee appointed by the  
11 superintendent interviewed. So for the sake of answering my  
12 question, assume that. Okay?

13 A Okay.

14 Q Who is indicated as the number one candidate?

15 A Lakesha Miller.

16 Q Who is indicated as the number two candidate?

17 A Claude Courville.

18 Q And who is indicated as the number three candidate?

19 A Chad Lemelle.

20 Q And who is indicated as the number four candidate?

21 A Leroy Payne.

22 Q Now, let me ask you, Ms. Frank, you said you knew Mr. Chad  
23 Lemelle?

24 A Yes, I do.

25 Q Okay. How do you know Mr. Lemelle, Mr. Chad Lemelle?

1 A Mr. Chad Lemelle I have known since his birth.

2 Q I'm sorry. Since his birth?

3 A Since his birth.

4 Q Okay.

5 A He is a young man who lives in my neighborhood who has been  
6 in my church all of his life and he is friends with my son. He  
7 and his brother are like so many years apart, but my son kind of  
8 falls in between the two of them, the three of them. And they  
9 have been friends playing in my yard and his parents' yard and in  
10 the neighborhood for all of their lives. Now they're adults.

11 Q And who is your son?

12 A My son is Pride Doran.

13 Q Pride the lawyer?

14 A Doran.

15 Q The lawyer?

16 A Doran, D-O-R-A-N.

17 Q Pride Doran the lawyer?

18 A Yes, sir.

19 Q I'm going to see him in court tomorrow on a sentencing of a  
20 defendant in a serious case, and I've had him here on civil cases  
21 before.

22 So you've known Mr. Chad Lemelle since birth. He and  
23 his brother have been friends with your son, the lawyer, since  
24 the beginning?

25 A Yes.

1 Q So you know him well?

2 A Very well.

3 Q Do you know a man named Clifton Lemelle?

4 A Oh, yes, I do.

5 Q And how do you know Mr. Clifton Lemelle?

6 A I've known Clifton Lemelle because he has been in my  
7 neighborhood and in my church. Probably he's known me all of my  
8 life, but I know him from being in the community, being a deacon  
9 in my church, a member of my Sunday school that I attend. And he  
10 has been a very close worker of my father who pastored the New  
11 Zion Baptist Church for 59 years in Eunice and he's worked very  
12 closely with my father on many issues.

13 Q And is Mr. Clifton Lemelle sometimes referred to as Bro  
14 Lemelle?

15 A He is.

16 Q To your knowledge as a school board member, is he also a  
17 member -- and he may or may not be now, I don't know -- or  
18 chairman or former chairman of the Biracial Committee for the St.  
19 Landry Parish School System?

20 A I think that he is.

21 Q A member or chairman or do you know?

22 A I think he's a member. I don't know whether he's a chair or  
23 not.

24 Q Is Chad Lemelle related to Clifton Lemelle who's also known  
25 as Bro Lemelle?

1 A Chad Lemelle is his son, is the son of Clifton Lemelle.

2 Q So it's fair to say, I suppose, from what you've told me  
3 today in answer to my questions, that Mr. Clifton Lemelle, Bro  
4 Lemelle, also know as Bro Lemelle, has known you since you were  
5 born and you've known his son, Chad Lemelle, since he was born?

6 A That is correct.

7 Q Okay. Now, as one who has been elected to public office in  
8 the Eunice area of St. Landry Parish twice who must have some  
9 working knowledge of politics in the parish, is it fair to say  
10 that Mr. Clifton Lemelle, also known as Bro Lemelle, is a  
11 political player?

12 And by that I mean one who engages himself in political  
13 campaigns for or against candidates during elections for public  
14 office. Do you know that to be true as a political person  
15 yourself?

16 A Yes.

17 Q Do you know a man by the name of George Fisher?

18 A I do.

19 Q How do you know Mr. Fisher?

20 A George Fisher and I attended Charles Drew High School  
21 together, and I have known him for as long as he's been -- I  
22 graduated from high school. We graduated from the same high  
23 school. He's lived in the same neighborhood. And we've had  
24 many, many conversations together.

25 Q And, Ms. Frank, what is it that Mr. Fisher does for -- let

1 me back up. I take it then from what you've just said that  
2 Mr. Fisher is roughly our age? And I'm three years older than  
3 you, but roughly our age. Is that fair?

4 A He should be maybe two or three years younger than I am.

5 Q So he's somewhat my junior, about four or five years,  
6 something like that?

7 A Something about that.

8 Q What is it Mr. Fisher does for a living?

9 A He is the coordinator of the adult center in Eunice.

10 Q I'm sorry. Coordinator of the adult center in Eunice. What  
11 is that?

12 A Adult Education Center.

13 Q Adult education. And is that an employee of the school  
14 system or is that a federal --

15 A Yes, sir. That's an employee of the St. Landry Parish  
16 School System.

17 Q Okay. And are you related by blood or marriage to  
18 Mr. Fisher?

19 A No, no.

20 Q Well, I understand your answer, but I see a big smile on  
21 your face.

22 A Because there's some other things that goes into that that I  
23 am just not privy to tell all of that to this audience.

24 Q Well, I'm not going to ask you to do that, ma'am. I promise  
25 you.

1 All right. Now, do you know how long Mr. George Fisher  
2 has been the director of the Adult Education Center?

3 A I'm going to guess. I can't tell you specifically, but 2005  
4 maybe, 2005 or 2006.

5 Q What did he do to your knowledge before that?

6 A He was an instructor, I think, at the Adult Educational  
7 Center in Opelousas, Louisiana, if I'm not mistaken, but don't  
8 hold me to that either because I don't really know that for a  
9 fact.

10 Q Yes, ma'am. And would it be fair for me to say or to assume  
11 that Mr. Fisher was a long-time employee of the St. Landry Parish  
12 School System?

13 A I would say that he's been a long-time employee because I  
14 know that since I've been home practicing law, he's been an  
15 employee of the St. Landry Parish School System and that's been  
16 27 plus years. So I would call that long term.

17 Q I would, too. Now, let me ask you the same about Mr. Fisher  
18 that I asked you about Mr. Clifton Lemelle, Mr. Bro Lemelle.

19 As one who has been elected to public office in the  
20 Eunice area of St. Landry Parish twice, is it fair to say that  
21 George Fisher is a political player?

22 And, again, by that I mean one who engages himself in  
23 the political campaigns for or against candidates during  
24 elections for office.

25 A Yes.

1 Q Do you know a lady by the name of -- and she may -- her  
2 first name -- I know the name to be -- and if I'm mispronouncing  
3 this, forgive me, or, Ms. Pitre, forgive me -- Garitol Pitre who  
4 may be also known as Maria or Maria Pitre?

5 A Garitol?

6 Q Garitol. I apologize.

7 A Garitol Maria Pitre.

8 Q Do you know her?

9 A I do know her.

10 Q How do you know her?

11 A Garitol Pitre is the daughter of a Mr. Pitre and Mr. Pitre  
12 was our janitor when I was in high school. And she's much, much  
13 younger than I am. So I don't really recall anything about her  
14 growing up in my city, but I do know that she grew up in Eunice.

15 And she is -- her sister is Philomena Bernard who is  
16 close friends with my sister-in-law and that's how I know her. I  
17 know that she has made some great educational achievements and  
18 that's how I know Garitol, but for me to tell you that I have  
19 seen Garitol or spoken to Garitol in the last four or five years,  
20 I have not.

21 Q Okay. Well, let me -- I'm going to ask you a few more  
22 questions about her in a minute, but I want to make sure the  
23 court reporter has the correct spelling as I have it.

24 And, again, it's Ms. Pitre, right?

25 A I pronounce it Pitre. It's P-I-T-R-E.

1 Q Yeah. P-I-T-R-E is the last name.

2 THE COURT: And the way I have the first name, Ms.  
3 Bourque, is G-A-R-I-T-O-L. Now, I may have that misspelled.

4 THE WITNESS: I can't correct you on that.

5 BY THE COURT:

6 Q Okay. And I think you said that you hadn't seen her in a  
7 number of years, four or five, and that you know she has obtained  
8 some great educational achievements?

9 A That is correct because her sister keeps me informed.

10 Q Do you know where she's currently employed?

11 A I do know that.

12 Q Would you tell us all where she's currently employed?

13 A She's with the East Baton Rouge School Board, and I'm not  
14 really certain what her title is there, but I do know that she's  
15 employed there, and I know that because her sister told me about  
16 it. And then while I was in San Francisco, I met one of the  
17 board members from East Baton Rouge who told me that. He was  
18 very happy with her being employed by them.

19 Q And if I told you that not only was Ms. Pitre employed by  
20 the East Baton Rouge Parish School Board, but she was an  
21 assistant superintendent in charge of instruction, that's the  
22 information I have, would that surprise you based on what you  
23 think her educational achievements are?

24 A No, it wouldn't surprise me. I would think that would be in  
25 agreement with what she's able to do.



1 Q Now, let me ask you this. Do you know from her sister or  
2 otherwise that Ms. Pitre apparently has been principal at at  
3 least two schools in the State of Texas and that she has a Ph.D.  
4 from Texas A & M University?

5 A I know that she has a Ph.D.

6 Q You aren't aware she had been a principal?

7 A I'm aware that she's been a principal and supervisor in  
8 Texas, in the school system there somewhere around Sugar Land,  
9 somewhere in that area.

10 Q Now, from your practice of law -- and this would be criminal  
11 law. Let's say federal. I mean, you take felony cases you said,  
12 and I'm sure over your many years of practice -- I think you said  
13 you had been back in Louisiana practicing for 27 years. You've  
14 probably had occasion to either appear in a criminal proceeding  
15 in federal court or at least come across, I assume, but I'm  
16 assuming that. Are you familiar with what an FBI 302 is?

17 A No, I'm not.

18 Q Are you familiar with the FBI's natural course in conducting  
19 investigations where they go out and they interview witnesses in  
20 investigations and they generate a report that's under Federal  
21 Bureau of Investigation letterhead and would go ahead and write  
22 down and subsequently go back and get typed out in the office  
23 what it is that the person the agent was interviewing had told  
24 the agent? Are you familiar with that concept, that they do --

25 A I'm familiar with that concept. I don't have any -- I've

1 never done any federal criminal cases.

2 Q Okay. And if I told you that was commonly referred to as an  
3 acronym or maybe on some government form it's written down on the  
4 bottom of it 302, you would have no reason to dispute that, would  
5 you, an FBI 302?

6 A Whatever you told me, it would be so. I don't know anything  
7 differently.

8 Q Okay. Now, I'm going to ask you again a few questions, and  
9 I want to make sure you understand the questions before you  
10 answer them.

11 You said that you got a call from Ms. Miller about this  
12 -- her interest in the vacancy that was going to come up at  
13 Eunice Junior High on April the 12<sup>th</sup>, 2007. That's what you told  
14 me earlier. That was the day before you left for San Francisco;  
15 is that right?

16 A That's correct.

17 Q And how long were you out in San Francisco?

18 A I came back on the 17<sup>th</sup> of April.

19 Q So you were there from roughly the 13<sup>th</sup>, travel days  
20 included, until the 17<sup>th</sup>?

21 A That's correct.

22 Q Okay. Now, on Thursday, April the 19<sup>th</sup>, 2007, did you go to  
23 Eunice Junior High and have a conversation with Ms. Lakesha  
24 Miller?

25 A I'm going to refuse to answer that without having some type

1 of legal advisement.

2 Q Okay. And the basis for your refusal to answer that  
3 question would be what? Assert the privilege if you have one.

4 A Well, I feel that this may be a question leading to some  
5 type of penalty of some sort, and since I'm ill-prepared, I was  
6 not given due notice, and because of my due process rights, I  
7 feel like I should have legal advice.

8 Q Okay. And I certainly respect that, and you're a lawyer, a  
9 seasoned lawyer, I believe, from what you've told me here today  
10 with criminal experience, and I respect that greatly.

11 My job as the Judge presiding on this or any  
12 proceeding, as those of you who were here in the Patel case  
13 certainly know, is to make sure we always have a fair proceeding,  
14 but because you are a seasoned lawyer, Ms. Frank, and you are  
15 asserting some kind of right, would you state for the Court and  
16 for the record what right it is that you are asserting? Is it  
17 your Fifth Amendment right not to incriminate yourself?

18 A That is correct.

19 Q So in answer to my question, you say, Judge, without talking  
20 to a lawyer, I'm going to assert my Fifth Amendment right not to  
21 answer the question as to whether or not on Thursday, April the  
22 19<sup>th</sup>, 2007, you went to Eunice Junior High and spoke to  
23 Ms. Lakesha Miller. Is that what I understand and what the  
24 record should reflect?

25 A That's correct, Your Honor.

1 Q Okay. I'm going to ask you several other questions, and if  
2 you want to assert the Fifth Amendment right or any other right,  
3 you certainly are entitled to do so.

4 On that Thursday, April 19<sup>th</sup>, 2007, did you state to  
5 Ms. Miller that the school board wanted a man in the position of  
6 principal at Eunice Junior High School and specifically mentioned  
7 Chad Lemelle as the desired person?

8 A I refuse to answer the question on my Fifth Amendment  
9 rights.

10 Q On Thursday, April 19<sup>th</sup>, 2007, did you ask Ms. Miller to  
11 agree with the school board's decision to appoint Chad Lemelle as  
12 principal at Eunice Junior High and that she be -- and she would  
13 be offered the position of principal at Central Middle School and  
14 that that would be uncontested, she would get it without a  
15 contest?

16 A I refuse to answer that on the basis of my Fifth Amendment  
17 rights.

18 Q On April 19<sup>th</sup>, 2007, did Ms. Miller tell you that she was  
19 not interested in the position at Central Middle School and that  
20 a gentleman by the name of Wendell Prudhomme was pursuing that  
21 job?

22 A I refuse to answer that on the basis of my Fifth Amendment  
23 rights.

24 Q And do you know a gentleman by the name of Wendell  
25 Prudhomme?

1 A I refuse to answer that on the basis of my Fifth Amendment  
2 rights.

3 Q Do you know if a man named Wendell Prudhomme is employed by  
4 the St. Landry School System?

5 A I refuse to answer that on the basis of my Fifth Amendment  
6 rights.

7 Q Did you tell Ms. Lakesha Miller on April 19<sup>th</sup>, 2007, that  
8 the fact that Mr. Prudhomme was seeking to get the principalship  
9 at Central Middle School was not going to happen?

10 A I refuse to answer that on the basis of my Fifth Amendment  
11 rights.

12 Q On April 19<sup>th</sup>, 2007, did you tell the school board that you  
13 were supposed to go to Baton Rouge and recruit Ms. Pitre,  
14 Ms. Garitol Pitre -- and if I've mispronounced Ms. Pitre's first  
15 name again, you can please correct me -- to be the new  
16 superintendent?

17 A I refuse to answer that on the basis of my Fifth Amendment  
18 rights.

19 Q On April 19<sup>th</sup>, 2007, did you tell Ms. Lakesha Miller that  
20 the board was okay with a female superintendent, but wanted a man  
21 to be principal of Eunice Junior High School?

22 A I refuse to answer that on the basis of my Fifth Amendment  
23 rights.

24 Q After leaving Eunice Junior High School on April 19<sup>th</sup>, 2007,  
25 did you call George Fisher and tell him of a meeting you had with

1 Ms. Miller earlier that day?

2 A I refuse to answer that on the basis of my Fifth Amendment  
3 rights.

4 Q Have you been made aware that Mr. Harry Fruge intends on  
5 running for the Office of State Representative which is currently  
6 held by Representative Mickey Guillory?

7 A I refuse to answer that on the basis of my Fifth Amendment  
8 rights.

9 Q Okay. As one who has been elected to political office in  
10 the Eunice area of St. Landry Parish twice, if one were to run  
11 for the position of state representative from the Eunice area,  
12 would it be beneficial to have the support of Clifton Bro Lemelle  
13 and George Fisher in one's campaign?

14 A I refuse to answer that on the basis of my Fifth Amendment  
15 rights.

16 Q Prior to April the 19<sup>th</sup>, did you talk to Ms. Elinor Eaglin  
17 about speaking to Ms. Lakesha Miller and her interest in the  
18 principalship at Eunice Junior High and Mr. Chad Lemelle's  
19 interest in the principalship at Eunice Junior High?

20 A I refuse to answer that based on my Fifth Amendment rights.

21 Q Did you talk to Mr. John Miller about -- prior to  
22 April 19<sup>th</sup> about Ms. Lakesha Miller's interest in the  
23 principalship at Eunice Junior High?

24 A I refuse to answer that on the basis of my Fifth Amendment  
25 rights.

1 Q Did you speak to Mr. Harry Fruge about Ms. Lakesha Miller's  
2 interest in the principalship at Eunice Junior High and Mr. Chad  
3 Lemelle's interest in that principalship?

4 A I refuse to answer that based on my Fifth Amendment rights.

5 Q Did you speak to Mr. Scott Richard prior to April 19<sup>th</sup> about  
6 Ms. Lakesha Miller's interest in the principalship at Eunice  
7 Junior High and Mr. Chad Lemelle's interest in that position?

8 A I refuse to answer based on my Fifth Amendment rights.

9 Q Did you speak to Mr. Quincy Richard prior to  
10 April 19<sup>th</sup> about Ms. Lakesha Miller's interest in the position of  
11 principal at Eunice Junior High and Chad Lemelle's interest in  
12 that position?

13 A I refuse to answer based on my Fifth Amendment rights.

14 Q Did you speak to Mr. Anthony Standberry about Ms. Lakesha  
15 Miller's interest in the principalship at Eunice Junior High and  
16 Mr. Chad Lemelle's interest in the principalship at Eunice Junior  
17 High?

18 A I refuse to answer based on my Fifth Amendment rights.

19 Q Did you prior to April 19<sup>th</sup> talk to either Ms. Eaglin,  
20 Mr. Miller, Mr. Fruge, Mr. Scott Richard, Mr. Quincy Richard,  
21 Mr. Anthony Standberry about Mr. Harry Fruge's potential  
22 candidacy for state representative for the position that Mr. --  
23 Representative Guillory currently holds?

24 A I refuse to answer that based on my Fifth Amendment rights.

25 Q Now, Ms. Frank, I want to ask you a little bit now about

1 another matter that I just noticed from reading the record of the  
2 school board meetings that have been posted up on the school  
3 board's website pursuant to my order at least a year ago,  
4 probably two years.

5 And I had noted since Ms. Eaglin got to assume the  
6 presidency that there's a tendency on occasion during meetings to  
7 take a recess when a matter comes up. There's discussion. Then  
8 there's a recess. And, again, from that cold, sterile record I  
9 can't tell for how long and I don't recall if the transcript  
10 actually says. It may and I just don't recall, but after a brief  
11 recess, then the board comes back and there's actually action  
12 that may be taken on a matter. Are you familiar with that?

13 A I refuse to answer based upon my Fifth Amendment rights.

14 Q Well, my next question, ma'am, is during those recesses of  
15 the official school board meeting, is it the practice for you and  
16 other members of the school board to discuss the matter that was  
17 under consideration prior to the recess that is acted on after  
18 the recess?

19 A I refuse to answer based on my Fifth Amendment rights.

20 THE COURT: Thank you, ma'am. I don't have any other  
21 questions and you can step down.

22 I'd like to call Mr. Anthony Standberry.

23 MR. STANDBERRY: Judge, do you mind if I do a rest room  
24 call first?

25 THE COURT: You sure may. Is a court security officer



1 handy? If the court security officer would get Mr. Standberry to  
2 the jury room rest room. He needs to take a brief break and  
3 that's certainly understandable and acceptable.

4 We'll all -- we will just break here. We'll stay in  
5 the courtroom, all of us, and as soon as Mr. Standberry returns,  
6 we'll continue on.

7 I would like to see the lawyers over here since we have  
8 a break off the record.

9 (IN-COURT RECESS)

10 THE COURT: All right. Mr. Standberry has returned.  
11 I'm going to ask that all of you take your seats, please.

12 Ms. Jordan, if you would please administer the oath to  
13 Mr. Standberry.

14 THE CLERK: Do you solemnly swear that the testimony  
15 you will give in this case will be the truth, the whole truth and  
16 nothing but the truth?

17 MR. STANDBERRY: I do.

18 THE CLERK: Thank you.

19 Whereupon,

20 ANTHONY STANDBERRY

21 was called as a witness; after having been first duly sworn, was  
22 examined and testified as follows:

23 **EXAMINATION**

24 BY THE COURT:

25 Q How are you doing there, Mr. Standberry?

1 A Just fine.

2 Q All right. First of all, I'm going to ask you a number of  
3 questions. You've been present throughout all of the proceeding  
4 here today starting this morning and then going ahead with  
5 Ms. Josie Frank's questioning. Is that true?

6 A Yes.

7 Q Okay. And I know you're not a lawyer. I'm going to get a  
8 little more personal information on you for the record, but I  
9 know you're not a lawyer, but you did hear Ms. Frank assert her  
10 Fifth Amendment right against self-incrimination a number of  
11 times during my questioning of her; is that correct?

12 A I did, yes.

13 Q Do you understand the concept of the Fifth Amendment right,  
14 that a person, when asked a question under oath -- because if one  
15 lies under oath, they could be guilty of a criminal -- federal  
16 criminal felony, and that a person -- all one must do is to say I  
17 assert my Fifth Amendment right and that's the end of the inquiry  
18 by the questioner. Are you familiar with that concept?

19 A I'm familiar with the concept. The only question I have is  
20 the truth according to the best of your knowledge or --

21 Q Well, I would not want you to say anything that you didn't  
22 directly know. And, again, in explanation of your answer, you  
23 know, hearsay certainly might be okay, and your hearsay, what you  
24 heard from somebody else that may not be true, if you believe it  
25 to be true when you say it, that could be fine.

1           On the other hand, if -- and, again, I accused a lawyer  
2 yesterday in this very courtroom late in the afternoon, very good  
3 lawyer I thought, very smart lawyer, a seasoned lawyer, one of my  
4 vintage thereabouts, of being too smart for himself.

5           So if one's not trying to be too smart and not lying --  
6 you know the concept I mean. Some people actually are smart, but  
7 they're not as smart as they think they are but they try to be  
8 smart.

9       A     I don't think I fall in that category, sir.

10       Q     I don't think you do either. So you just tell me the best  
11 you know. And if you say, Judge, I've heard this, if you want to  
12 do that, that's okay, but, again, the point of my questioning,  
13 Mr. Standberry, is that you're not a lawyer, but I want you to  
14 know before I ask you any question that you feel, one, I don't  
15 want to answer because it might tend to incriminate me, but as I  
16 said before I started asking Ms. Frank any questions, I think  
17 again it's from the Book of John, but I may be wrong, the New  
18 Testament, the truth shall set you free.

19       A     Yes. I believe in that.

20       Q     And, you know, no one has to ever incriminate themselves,  
21 and just because someone invokes the Fifth Amendment, I'm keenly  
22 aware and would not suggest that they're guilty of anything. It  
23 doesn't mean that. That's not the point.

24           The point is you don't have to place yourself, you or  
25 any other citizen or person in our country, in a position --

1 well, that's kind of a moving scale right now about who can  
2 invoke it, I guess, in the current times we live, but certainly a  
3 citizen -- I think there's not much question -- can invoke the  
4 Fifth Amendment right against self-incrimination. You understand  
5 that conceptually?

6 A I do.

7 Q Now, I don't mind asking you because it's okay in our  
8 society for a man to ask a man, but how old are you?

9 A Fifty-four.

10 Q All right. So you're a little bit my junior, too, by about  
11 seven years, but you're old enough to remember the bad ol' days,  
12 too.

13 A Yes, quite well.

14 Q Okay. Now, what is your current occupation?

15 A I'm retired.

16 Q What did you do?

17 A I taught school for 22 years in St. Landry Parish and here  
18 in Lafayette Parish.

19 Q So you were an employee, a long-term employee of the St.  
20 Landry Parish School System, too?

21 A St. Landry Parish two years.

22 Q Only two and the rest in Lafayette Parish?

23 A Yes.

24 Q What did you teach?

25 A Vocational education, auto mechanics and woodworking.

1 Q Okay. And what type of education -- what's your educational  
2 background?

3 A Bachelor's and some educational courses.

4 Q A Bachelor's of Education?

5 A Yes.

6 Q And what university did you go to to get those -- a degree  
7 in education?

8 A Master's degree, Southern University, and extended courses  
9 through UL.

10 Q Okay. Here in Lafayette?

11 A Yes.

12 Q Okay. And how long have you been on the school board?

13 A A little better than a year. I was appointed and that  
14 lasted for six months and I just got elected. It's heading  
15 towards two years pretty much, not quite two years.

16 Q Okay. Now, that was -- you were initially appointed you  
17 said. As I recall, that was to replace a school board member,  
18 and correct me because my memory is not what it used to be, but  
19 that would have been Ms. Fisher?

20 A Yes.

21 Q And Ms. Fisher apparently -- or by news reports -- and I  
22 don't know whatever came of it, if anything. I don't mean to  
23 certainly defame her in any way, but -- well, I won't even say  
24 that because I don't know. All I know is what I read in the  
25 paper, but she ended up resigning and the school board had to

1 appoint her a replacement, right?

2 A Yes.

3 Q And subsequent to your appointment, you ran for reelection  
4 when for the first time or election?

5 A In November of '06.

6 Q '06. So, in other words, this last election was your first  
7 actual --

8 A No. I'm sorry. They called a special election in '05 and I  
9 ran against Mr. Alex Marshall.

10 Q So you've stood before the people for at least two times for  
11 public office?

12 A Yes.

13 Q And whether or not you like to think of yourself that way --  
14 and I know a lot of people who are in public office don't like to  
15 think of themselves as politicians. You've run and been elected  
16 twice. So by some broad definition at a minimum and maybe even  
17 less than that, you are a politician in St. Landry Parish now?

18 A I am an elected official. A concerned citizen is the reason  
19 why I pursued this school board position.

20 Q Well, I remember the hour or so visit or hour and a half  
21 visit you and I had the first time right after your appointment,  
22 I believe, before your election, and that's the way I saw you  
23 then and don't of necessity have any reason to doubt that now.

24 You made a couple of comments and I remember that and  
25 it will come up on the website, on your school system's website

1 at that March 16<sup>th</sup>, 2006, meeting as it related to the  
2 superintendent after Mr. Washington spoke and after Ms. Taylor  
3 said whatever she said and what I said at that meeting.

4 I think when it got to be your turn, like I talked  
5 about Mr. Budden or Mr. Wyble and Mr. Deville's comments, you had  
6 your turn and you said -- well, you made some kind of statement  
7 that generally, well, I've got to reconsider my position, or  
8 you've got to think about it now in light of Mr. Washington's  
9 comments. And I'm not -- it's a paraphrase, not a quote, but it  
10 will be -- whatever it is will be on the website.

11 So you've been around through what I'd say is the  
12 issues involving the superintendent's contract and renewal of his  
13 contract last time and the end of the superintendent's contract  
14 this time.

15 A Yes.

16 Q So you're familiar with all of those issues, right?

17 A Yes.

18 Q Now, do you know Chad Lemelle?

19 A I recently met Chad Lemelle probably within the last two,  
20 three weeks. As a matter of fact, I didn't even know the young  
21 man until he walked up to me and introduced himself.

22 Q And what was that occasion for him to do that?

23 A I spoke to Chad at a school board meeting I think. If I'm  
24 not mistaken, it was right after a school board meeting, and he  
25 said, Mr. Standberry, I'm Chad Lemelle, and that was the extent

1 of that particular conversation.

2 Q Okay. Have you met with him since?

3 A I met with him today.

4 Q Today?

5 A He was here earlier.

6 Q Oh, he was here?

7 A Yes.

8 Q Do you see him here now?

9 THE COURT: Mr. Chad Lemelle, are you here?

10 BY THE COURT:

11 Q Well, let me ask you, was Mr. Clifton Lemelle here or is he  
12 here?

13 A Clifton Lemelle is in the audience.

14 Q He's here?

15 MR. LEMELLE: I'm here.

16 THE COURT: Okay. I didn't see you there, Mr. Lemelle.  
17 You've got that nice suit. Good.

18 BY THE COURT:

19 Q What about Mr. George Fisher? Has he been here or is he  
20 here because I don't know that I know Mr. Fisher, and if I do --

21 A I haven't seen George Fisher today.

22 Q Okay. Now, when you met with him -- you saw him here today.  
23 You just ran in to him here today?

24 A I just ran in to him, yes.

25 Q So the extent of your conversation with him was at the



1 school board meeting, how are you doing and this is who I am, and  
2 today, hey, how are you doing, and I remembered him from the  
3 school board meeting?

4 A Yes.

5 Q Did he at any time indicate to you that he was interested in  
6 applying or had applied for the position at Eunice Junior High  
7 and he was soliciting your support?

8 A He never did mention anything to me about his position as  
9 far as applying. I know that he had applied because I've seen  
10 his name as an applicant, but as far as a discussion on that  
11 matter, no.

12 Q Okay. And you said you had seen his name as an applicant.  
13 Where did you see that?

14 A I get school board information that lets me know that he was  
15 interviewed for that particular position.

16 Q Okay. And let me ask you this, Mr. Standberry. Do you  
17 remember I asked Ms. Frank some questions about my order of  
18 May 31<sup>st</sup> with the attachments of my, I think, May 21<sup>st</sup> order as  
19 well as Mr. Caswell's compliance with my order and that  
20 information? You heard that testimony?

21 A Yes.

22 Q And I had ordered -- in that May 31<sup>st</sup> order I said I ordered  
23 the clerk to send a copy to all of the school board members. Do  
24 you remember getting that?

25 A Yes, I received it.

1 Q Did you look at it?

2 A Yes.

3 Q Do you need to review it now or you can remember it?

4 A I think I recall pretty much what it was.

5 Q Okay. I don't really care to ask you a whole lot about it  
6 except I just wanted to make sure that the clerk did what I told  
7 the clerk to do and the United States Postal Service worked the  
8 way it's supposed to and you got what I ordered them to send to  
9 you.

10 A Okay.

11 Q Okay. So, again, you never talked to Chad Lemelle about  
12 this position?

13 A No, sir.

14 Q Did you ever talk to Bro Lemelle about his son applying for  
15 that position and seeking your support for his son in that  
16 position? And that's Clifton Bro Lemelle I'm talking about.

17 A I've spoken to Bro Lemelle, but not on that accord, not  
18 concerning his son as an applicant as assistant -- or for  
19 principalship.

20 Q Okay. Now, let me ask you this, Mr. Standberry. You say  
21 you've spoken to him. You mean you've talked to him in your life  
22 or you just -- it was something specific? I don't understand  
23 your answer. It's kind of general.

24 A Wait a minute. Hold up. You're talking about Clifton Bro  
25 Lemelle. Yes. I've spoken to Bro Lemelle, but not on the issue

1 of his son's application for principal. It was only on a casual  
2 note, not concerning school board business at all.

3 Q Okay. And I take that to mean that you know him. You've  
4 spoken to him at other times. I know he goes to your meetings or  
5 many of your meetings. He's been at these proceedings many  
6 times. I talked to him at the St. Landry Parish School Board  
7 Office in his capacity years ago. In fact, he was the first  
8 person I think -- one of the first people I met when Mr. Charlie  
9 Renaud was the -- Mr. Renaud was the faculty person for the  
10 Biracial Committee and I met him. So I've known him and I've  
11 seen him here. So I'm familiar with Mr. Bro Lemelle, too.

12 You heard Ms. Frank's answer about Mr. Bro Lemelle,  
13 Clifton Lemelle, and George Fisher, that if you were running for  
14 a political position in St. Landry Parish, they would be good  
15 folks to have on your team?

16 A I heard her response to that, but then in my own opinion I  
17 don't think Bro Lemelle or Clifton Lemelle or Mr. George Fisher  
18 could either help or hurt me if I present myself the way my  
19 constituents expect me to.

20 Q Yeah. But mine is not directed at you, but I'm talking  
21 about as a general matter if you were one who was aspiring to  
22 political office in St. Landry Parish, you want to naturally get  
23 all the people you can, and certainly you want to get the  
24 political players, the ones who get involved in campaigns on a  
25 routine basis.

1           I mean, for some of us -- and I was one such person  
2 before I got to be a Judge. In fact, that's how I got to be a  
3 Judge because I was so involved in democratic party politics,  
4 that -- I mean, I was one of the people that the democrats came  
5 to in Avoyelles Parish to say, gee, Tucker, we'd like you to be  
6 with us.

7           Would you agree with the characterization I think that  
8 I got from Ms. Frank's answer that one would certainly want those  
9 two people for you particularly if you were running in the Eunice  
10 area?

11 A       I would think that they could help someone because of the  
12 people that they know.

13 Q       Okay. Have you been made aware that Mr. Harry Fruge was  
14 going to run for state representative or was thinking about  
15 running for the state representative seat held by, I think,  
16 Representative Guillory?

17 A       I was surprised when I heard that mentioned a few minutes  
18 ago.

19 Q       Okay. And your district is where?

20 A       District 1, Opelousas through Lawtell out to Swords -- not  
21 Swords. Right past Mallet.

22 Q       Right past where?

23 A       Mallet which is a little community right on the outskirts of  
24 Lawtell going towards Eunice.

25 Q       All right. And that's on the Opelousas side of Lawtell or

1 on the other side of Lawtell?

2 A It starts in Opelousas, and north of Highway 190 is  
3 my district and it runs out past Lawtell up to the Swords  
4 area.

5 Q Is Representative Guillory your representative?

6 A Mickey Guillory?

7 Q Yeah.

8 A No.

9 Q Who's your state representative?

10 A I say Mickey Guillory. They're both Guillorys. Elbert  
11 Guillory is my --

12 Q Right. I know Mr. Guillory. He's a lawyer here and has  
13 practiced before this Court many times. In fact, he's been here  
14 on some of these status conferences. He just was elected for the  
15 first time to fill Mr. Cravins' position, I believe.

16 A Yes.

17 Q Is that generally an Opelousas district as far as you know?

18 A It's a larger district than the district that I represent,  
19 but it's Opelousas, and I'm not certain of the surrounding area  
20 that it covers.

21 Q Okay. Now, let me ask you, sir, about the matter of  
22 Ms. Lakesha Miller applying. Do you know Ms. Lakesha Miller?

23 A Vaguely, vaguely. I know the grandparents better than I  
24 know the young lady.

25 Q Okay. Her grandparents?

1 A Yes. Mr. Murphy Auzenne. I just recently learned that she  
2 was his granddaughter.

3 Q But you know her -- besides whatever family relationship,  
4 you know her -- do you know her in a professional capacity in  
5 that she's an employee of the school system?

6 A I know she's an employee of the school system, but I don't  
7 know all of her professionalism.

8 Q From that order that you received a copy of by United States  
9 Mail from me, that May 31<sup>st</sup> order, and the attachment, one of  
10 Mr. Caswell's attachments that was appended to his letter, and  
11 the rank I think it was referred to -- and let me be clear. I  
12 don't want to confuse the record or you.

13 Excuse me. It was Exhibit 4 attached to Mr. Caswell's  
14 letter which was attached to my May 31<sup>st</sup> letter, which is Record  
15 Document 80 of this proceeding. (Record document number  
16 corrected to Record Document 139. See Page 156, Line 4.)

17 It said numerical vote. And I asked Ms. Frank to  
18 assume for the sake of the discussion what I asked you -- well,  
19 how did you take that to mean? When you saw numerical vote and  
20 you saw Lakesha Miller, one; Claude Courville, two; Chad Lemelle,  
21 three; Leroy Payne, four; what did you take that to mean?

22 A I took it to mean as to how the applicant came out in the  
23 selection. She was probably the first runner-up.

24 Q Through the interview process?

25 A Yes.

1 Q So that would mean, if you're right and I was right in  
2 asking Ms. Frank to assume, that it was -- that that's what it  
3 meant?

4 A When I saw it, I assumed that's exactly what it was.

5 Q All right. Ms. Lakesha Miller came out first?

6 A Yes.

7 Q And then Claude Courville came out second and Chad Lemelle  
8 came out third and Leroy Payne came out fourth?

9 A Yes.

10 Q Okay. That's what you took it to mean.

11 Now, were you also -- in that letter or in that  
12 attachment -- it would have been attached as Number 6 to  
13 Mr. Caswell's response. And it was a letter. It was dated May  
14 the 3<sup>rd</sup> and it was from Lanny Moreau to the school board.

15 It said: Dear Board Members, I concur with the  
16 recommendation of the Interim Selection Committee and recommend  
17 to you the appointment of Ms. Lakesha Miller for the position of  
18 acting principal of Eunice Junior High School.

19 Not that you received that, and I'm going to ask you  
20 about that in a minute, but do you recall that being attached to  
21 the order that was mailed to you from the United States District  
22 Clerk of Court's Office?

23 A Yes. I think it was part of that packet.

24 Q All right. Now, May the 3<sup>rd</sup> would have been the date for  
25 one of your regular meetings; is that not right?

1 A Yes.

2 Q And that would have been the same day after -- and I've  
3 forgotten the name of the committee and you may have been on it,  
4 but I think it was Mr. Scott Richard, Mr. Quincy Richard, and I  
5 may be wrong about both or at least Mr. Quincy Richard, and at  
6 least one or two other members, and I've forgotten who they were,  
7 but a motion came out of that committee to terminate  
8 Superintendent Moreau's contract and it was presented to the full  
9 school board at the May 3<sup>rd</sup> meeting.

10 And I think that was the meeting from newspaper  
11 accounts that former Superintendent Moreau had a lawyer with him  
12 who said, by the way, folks, if you keep doing this -- that's  
13 what the essence of it was as I read it. I may be wrong from the  
14 minutes and everything else that I read.

15 It was that you proceed down this road, not only is the  
16 school board going to be liable to Superintendent Moreau, but  
17 each of you individually. Each of you individual board members  
18 who vote on this to terminate his contract, because he hadn't  
19 been afforded his due process right and it was a violation of his  
20 contract and whatever else was said, will be personally liable  
21 for any damages you cause Mr. Moreau.

22 A I recall that statement.

23 Q All right. Now, it was at that very meeting that, as I  
24 recall, there was a recess, I believe, one of the recesses. I  
25 think there was a brief recess about that time. Do you remember



1 that? Am I accurate on that or am I misspeaking?

2 A Yes. There was a recess called.

3 Q And then after the recess, after that recess, then came back  
4 in and said we're going to call a special meeting on May 9<sup>th</sup> to  
5 file charges against Superintendent Moreau why he shouldn't be  
6 discharged. Am I right on that or is my memory failing me?

7 A There was a special meeting called, yes.

8 Q But it would have been after what the lawyer said for  
9 Mr. Moreau -- and I've forgotten his name. And, again, so the  
10 record is clear, it wasn't -- despite some earlier comments by  
11 some board members that wondered if Mr. Caswell represented  
12 Mr. Moreau or the school board, Mr. Moreau had a retained lawyer  
13 there that night. Is that true? You may not know if he was  
14 retained, but he had another lawyer that wasn't Mr. Caswell; is  
15 that right?

16 A Yes. There was another lawyer there.

17 Q Okay. And at that meeting after the lawyer said that, you  
18 have the break or the recess. Then after that you come back in  
19 and said, well, we're going to go ahead and have another meeting  
20 on the 9<sup>th</sup>, a special meeting on the 9<sup>th</sup> to consider charges  
21 against him and termination or whatever else was actually said,  
22 what the minutes will reflect. That's the chronology as you  
23 recall it?

24 A Pretty much, yes.

25 Q Now, during that break, Mr. Standberry, were you part of any

1 discussion that went on with other members of the board during  
2 the recess between the vote?

3 A Yes.

4 Q And could you tell me which members were present during that  
5 discussion to the best of your recollection?

6 A I refuse to answer that question according to my Fifth  
7 Amendment rights.

8 Q So if I understand what you just said, you're refusing to  
9 answer who it was that you talked to during the board break  
10 between the time that Mr. Lanny Moreau's -- Superintendent Lanny  
11 Moreau's lawyer said if you proceed down this path, the school  
12 board, the St. Landry Parish School Board will be liable for any  
13 damages Mr. Moreau suffers, and each of you who vote for the  
14 motion will be personally liable for any damages Mr. Moreau  
15 suffers. And you're refusing on the grounds that that may --  
16 you're exercising your fifth amendment right on the grounds that  
17 it may tend to incriminate you. Is that right?

18 A The board members present --

19 Q Excuse me just a minute. Excuse me just a minute. You  
20 invoked a right. I don't want -- excuse me just a minute,  
21 Mr. Standberry. You're not a lawyer. I don't want you to say  
22 anything you don't want to say.

23 And I don't know. Maybe you're like me or you're like  
24 many of us. Sometimes we talk before we think and then we think  
25 about it and then we want to talk, but I want to make sure that

1 you're not invoking your Fifth Amendment right.

2 A I just want to make sure that should I answer this question,  
3 I'm calling the right names. That's the reason.

4 Q Okay. All I want you to do, Mr. Standberry -- and this is  
5 not a trick question. And you asked me and this is what I was  
6 alluding to earlier and what I meant for you to understand.

7 As long as you tell me to the best of your absolute  
8 knowledge -- all this is about is a search for the truth right  
9 now and you give me what you believe to be true.

10 A Well, what I believe to be true, at that particular time I  
11 think it was --

12 Q So excuse me again. You are waiving --

13 A Yes. I'll waive that right.

14 Q I mean, if you invoked anything, you're not invoking it now;  
15 is that right?

16 A I'll waive that right.

17 Q Okay. You don't have to waive it. You're just not invoking  
18 it, right?

19 A Yes.

20 Q Go ahead. Who was there with you?

21 A Myself, Ms. Eaglin, Ms. Frank, Mr. Richard.

22 Q Which Richard?

23 A Quincy and Scott. Those are the names that are coming --  
24 the faces that are coming to mind at this time.

25 Q Okay. So make sure I'm right. Ms. Frank, Mr. Scott

1 Richard, Mr. Quincy Richard, President Eaglin. Anyone else that  
2 you recall?

3 A And probably Mr. Fruge.

4 Q Mr. Harry Fruge?

5 A Yes.

6 Q What about Mr. Miller, Mr. John Miller, the vice-president?

7 Do you remember him being there, too?

8 A No. I don't recall seeing him.

9 Q Okay. I appreciate it. Thank you.

10 All right. Now, let's talk about Lakesha Miller again  
11 and the recommendation that the superintendent was going to make  
12 at that May 3<sup>rd</sup> meeting before you all had the discussion -- or  
13 the statement from Mr. Moreau's lawyer, y'all had the recess that  
14 you just described and I asked you about and you described who  
15 you recalled being there with you, and then coming back in and  
16 having the special meeting for May 9<sup>th</sup> to consider charges or  
17 whatever else it said against Superintendent Moreau.

18 Do you recall at that same meeting after that was done  
19 or in that vicinity of time when it was done -- and I think it  
20 was stated in the minutes and this is a paraphrase of Mr. John  
21 Miller, the vice-president -- that because of the controversy  
22 surrounding the superintendent's contract, or the superintendent  
23 I think it said, and this is a paraphrase, not a quote of what he  
24 actually said that the minutes will reflect, that he tabled -- he  
25 had a motion to table the consideration of the appointment of the

1 principalship, acting principalship at Eunice Junior High and at  
2 Morrow Elementary School. Do you recall that motion?

3 A Yes.

4 Q And did you vote for that motion?

5 A Yes.

6 Q And I'm going to ask you, sir -- and you know you're the  
7 people's elected representative. You can vote your conscience  
8 any time you see fit or for any other reason you see fit. Why is  
9 it that you voted for that motion at that time?

10 A Well, the controversy that was going on and the  
11 reconstruction of the central office and the central office  
12 staff, I thought that the interim superintendent or the new  
13 superintendent should have some say or some voice on this  
14 particular appointment. That's the reason why I voted the way I  
15 did.

16 Q Okay. And, Mr. Standberry -- and, again, this is not a  
17 trick question and I want you to know that. I mean that very  
18 sincerely. I do believe that you think, as you said, that you're  
19 there to make a difference and to help kids, make the system  
20 better.

21 I mean, I'm paraphrasing again, but that's the essence  
22 of what I got out of you when we met that very first time and  
23 since as well as what I think you said when I asked you about  
24 being a politician. I think that's what your motive is to be in  
25 this office. Is that fair?

1 A That's fair.

2 Q Do you know the members of the committees that made up --  
3 that former Superintendent Moreau appointed, and that would have  
4 been attached as Exhibit Number 4 or Number 3, as it related to  
5 both Eunice Junior High and Morrow Elementary School?

6 And by that I mean Clifton Carmon, Katherine Soileau,  
7 Mickey Guidry, Martha Wilhite. That would have been for Eunice  
8 Junior High. And for Morrow Elementary, that would have been  
9 Clifton Carmon, Katherine Soileau, Claud Moody and Martha  
10 Wilhite. Do you know all of those people?

11 A Yes. I do know those people.

12 Q And what I asked Ms. Frank to assume to be true and what you  
13 did assume to be true when you got your order from the Court  
14 through the United States Mail, if it said -- on Exhibit 4, if it  
15 said on a numerical vote that Mr. -- excuse me -- that  
16 Ms. Lakesha Miller was number one and Mr. Claude Courville was  
17 number two and Mr. Chad Lemelle was number three and Mr. Leroy  
18 Payne was number four for the Eunice Junior High principalship,  
19 and that a lady by the name of Sandra -- and I may -- I apologize  
20 if I butcher the name -- Gamache.

21 THE COURT: It's G-A-M-A-C-H-E, Ms. Bourque.

22 BY THE COURT:

23 Q She was number one. Ms. Judith Lucito, L-U-C-I-T-O, was  
24 number two for those -- the two applicants for that position.  
25 Did you know -- you said you knew all of the people on those

1 committees that the former superintendent appointed to make the  
2 interviews and make recommendations to him so he could, in turn,  
3 recommend them to you.

4 Did you know that at the time that you voted to table  
5 the motion that Mr. Miller made and vote in favor of it and put  
6 it off from the May 3<sup>rd</sup> meeting that this committee had ranked  
7 all of these applicants the way we just went through and I said  
8 that they were ranked? Did you know at that time?

9 A I didn't know how they were ranked. The only one I knew was  
10 the recommendation from the superintendent at that time.

11 Q And that would have been Ms. -- for Eunice that would have  
12 been whom?

13 A Ms. Miller.

14 Q And for Morrow it would have been whom?

15 A I'm not certain at this point.

16 Q Okay.

17 A I recall Ms. Miller for sure.

18 Q All right. And you said something earlier in response to my  
19 question and I just want to ask you about that because it's my --  
20 and this isn't a trick question either, Mr. Standberry. I'm just  
21 following up on what you said.

22 The reason you gave for doing -- for going along with  
23 Mr. Miller's motion to table it was that you wanted to give the  
24 new superintendent or the interim superintendent an opportunity  
25 to be involved in that process of selecting these principals?

1 A Yes.

2 Q At that time did you know that Lanny Moreau would no longer  
3 be the superintendent?

4 A I know what the recommendation was at that point.

5 Q Excuse me. When you say recommendation, what do you mean?

6 A When I say recommendation, I knew that the subject of  
7 termination of his contract had come across the table.

8 Q Okay. So again --

9 A As to if it was going to be approved or not approved, I  
10 wasn't certain of that, no.

11 Q But, again, you were presuming I'm going to vote for  
12 Mr. Miller's motion to table the two principalships to give the  
13 interim superintendent or the next superintendent input into the  
14 process in the event that Superintendent Moreau's contract was  
15 terminated; is that right?

16 A Yes.

17 Q Are you aware in particular -- there's other times, too, but  
18 in particular you were present at the January 31<sup>st</sup>, 2007, special  
19 meeting here that involved the opportunity for Mr. Richard to  
20 come up and take the oath and tell the truth under oath as you  
21 are doing now and answer some questions about the principalship  
22 at the Washington Vocational School. You were there then,  
23 weren't you?

24 A Yes.

25 Q Do you remember me ordering the school board not to -- not



1 to hire anyone in an administrative or principalship position  
2 against the superintendent's recommendation without the prior  
3 approval of the Court? Do you remember me saying that?

4 A Yes.

5 Q And if I said it as you remember, it ought to be in the  
6 record on the transcript that this young lady took down, should  
7 it not?

8 A It should be.

9 THE COURT: Okay. I thank you very much there,  
10 Mr. Standberry. You may step down.

11 Mr. Harry Fruge.

12 Ms. Jordan, please administer the oath to Mr. Fruge.

13 THE CLERK: Do you solemnly swear that the testimony  
14 you will give in this case will be the truth, the whole truth and  
15 nothing but the truth?

16 MR. FRUGE: I do.

17 THE CLERK: Thank you.

18 Whereupon,

19 HARRY BURNELL FRUGE

20 was called as a witness; after having been first duly sworn, was  
21 examined and testified as follows:

22 **EXAMINATION**

23 BY THE COURT:

24 Q Good afternoon there, Mr. Fruge.

25 A Good afternoon.

1 Q It is correct, is it not, that you've been present here  
2 today throughout the entire proceeding starting this morning and  
3 including the time that I asked Ms. Frank and then Mr. Standberry  
4 some questions under oath?

5 A That's correct.

6 Q And I know you to be, Mr. Fruge, a man of some  
7 accomplishment and education. I also know you not to be an  
8 attorney.

9 So I want to make sure that as I did with  
10 Mr. Standberry from what you heard here -- and, of course,  
11 Ms. Frank is an attorney and she understood by training and  
12 experience the concept of the Fifth Amendment to the United  
13 States Constitution about the right of any individual to invoke  
14 that privilege and not to answer any question that may tend to  
15 incriminate him or her in any future criminal proceeding. Are  
16 you familiar with that concept?

17 A Yes, I am.

18 Q Do you have any questions as to how that might apply here  
19 today if you decided -- if you felt that you wanted to invoke  
20 your right? Anything you want to ask me about it?

21 A I'm sorry. Say again.

22 Q I just -- you said you understood the concept?

23 A Yes.

24 Q And is there -- if you find it -- and I'm not suggesting you  
25 will or you won't find it necessary to invoke that right here

1 today.

2 Do you have any questions about how one would do it or  
3 have you seen how Ms. Frank did it and then briefly  
4 Mr. Standberry did it and then he recanted and said I don't  
5 invoke that right? Do you understand how to do that if you chose  
6 to?

7 A Yes. I understand that completely.

8 Q Let me ask you -- and I don't mean to get too personal on  
9 this. I know -- and I say this on a humanitarian basis as one  
10 human to another.

11 I know -- and this is years past, that's my belief, but  
12 as one who's been through a lot in the last few years, myself  
13 most recently in October with a recurrence of my cancer, I don't  
14 want to put any -- you under any undue pressure or stress as a  
15 result of any physical condition you may have because of your  
16 unfortunate experiences medical-wise that you and I shared  
17 sometime back.

18 So if at any time you think I'm doing that, I want to  
19 stop, and I want you to know I mean that from my heart to your  
20 heart as one human being to another, not as a Judge to somebody  
21 who's being asked some questions. So please say, Judge, take a  
22 break, or, Judge, I've had enough.

23 A Thank you, Judge. I appreciate your concern.

24 Q All right. Would you give us your full name, please?

25 A My name is Harry Burnell Fruge.

1 Q And, Mr. Fruge, again, I don't mind asking you just like I  
2 didn't mind asking Mr. Standberry. How old are you?

3 A I'm 64.

4 Q So you're a little bit my senior. You're the first one to  
5 get up there today who's a little older than me. Okay. Three  
6 years my senior.

7 And I know that you're a member of the St. Landry  
8 Parish School Board. How long have you been a member? When were  
9 you first elected?

10 A In 2003.

11 Q Okay. So 2003. Have you since been reelected?

12 A That's correct.

13 Q And when was that, Mr. Fruge?

14 A That was the last election. I don't recall the date.

15 Q 2006?

16 A Yes.

17 Q So you became a part of this new school board, based on  
18 previous testimony I think of Ms. Frank, I think, in January of  
19 this year. So this current board takes office and you served a  
20 previous term.

21 A That's correct.

22 Q Okay. And you are generally familiar, I assume, from coming  
23 to these meetings -- and I know you to have been here based on  
24 the information that I've been able to gather if I can find it.  
25 I believe you to have been present at each and every status

1 conference -- and I'll stand corrected.

2 THE COURT: Laura, can you help me figure, if I need to  
3 correct myself, what I did with my chart to make sure I know  
4 because I don't want to misspeak.

5 THE WITNESS: I have not missed any, Judge.

6 BY THE COURT:

7 Q You have not. Okay. You answered the question. So you've  
8 been here. You've heard what it is that had to be said by both  
9 the Judge and the lawyers and any school board members that chose  
10 to say anything. Is that true?

11 A That's true.

12 Q Okay. Now, before you were elected to the school board --  
13 do you do anything else now? Are you a school board member  
14 retired or school board member and I do this, too, Judge?

15 A I am retired.

16 Q Prior to your retirement and election to the school board,  
17 what did you do?

18 A I taught school for 15 years, and then after that, I was  
19 promoted to the school board office where I was the coordinator  
20 for 13 years as a Safe and Drug Free Schools Coordinator for the  
21 St. Landry Parish schools.

22 Q So when you retired, what position were you in?

23 A I was the coordinator for St. Landry Parish schools.

24 Q Okay. And what is your educational level?

25 A I have a master's degree plus 30.

1 Q Okay. So you are -- it would be fair so say from what  
2 you've just said -- a long-time employee, former employee of the  
3 St. Landry Parish School System?

4 A That is correct.

5 Q And where do you live?

6 A I live in Eunice.

7 Q And is that where you grew up or did you move to Eunice  
8 later?

9 A No. I grew up there.

10 Q Okay. So you're familiar, I assume, with the people who  
11 I've referred to in the questioning of Ms. Frank who is also from  
12 the Eunice area. How long have you known Ms. Frank?

13 A I think -- I think I've known Ms. Frank since the first  
14 election. She and I became acquainted at the time of that  
15 election.

16 Q And this is when you and she first were elected at that time  
17 during that campaign?

18 A That's correct.

19 Q Okay. I understand. But you do know -- or I took it from  
20 her testimony she's been practicing law back in Louisiana for 27  
21 years and I assume all of that time in St. Landry -- I mean, in  
22 Eunice, but you didn't really know her until about roughly five  
23 and a half, six years ago; is that right?

24 A That's correct.

25 Q Okay. Now, do you know Mr. Clifton Lemelle also known as

1 Bro Lemelle?

2 A Yes, I do.

3 Q How do you know him?

4 A I just -- Mr. Lemelle and I just know each other from  
5 various activities. We've met on different occasions at  
6 political functions or meetings of different kinds.

7 Q Okay. When you say political functions, could you be more  
8 specific for me so I'll understand what you're actually referring  
9 to?

10 A Well, I don't recall exactly what --

11 Q Well, what type of function? Not the specifics, but what  
12 type?

13 A Possibly a meeting during a sheriff's election of some sort  
14 where we might actually have bumped into each other for a few  
15 minutes.

16 Q Well, let me ask you a question that I asked Ms. Frank, that  
17 as one who has stood for and been elected to public office twice  
18 in the Eunice area of St. Landry Parish, would it be fair to say  
19 that Mr. Clifton Lemelle is a political player or -- and by that,  
20 like I said, I mean one who gets involved, actively involved in  
21 campaigns either for or against people.

22 A Yes, I think it is. I think he's involved right now with a  
23 campaign in Eunice.

24 Q Okay. And may I ask you, because you've seen him at some  
25 other political gatherings that I have to assume were of somewhat

1 a similar nature, would you characterize yourself as one who has  
2 been over the years, not just since you were on the school board,  
3 but a political player, in other words, having gotten involved in  
4 other activities? You mentioned the sheriff's race and things  
5 like that. Would you consider yourself a political player?

6 A Yes, I would.

7 Q And you know a gentleman by the name of George Fisher?

8 A Yes, I know him.

9 Q And would the characterization that you have given -- how  
10 you characterize Mr. Clifton Lemelle, Bro Lemelle, and yourself  
11 as political players, that is one who gets involved actively in  
12 campaigns either for or against people, would that be fair to say  
13 about Mr. George Fisher, that he's one such player?

14 A I know him to be involved in different political activities.

15 Q So again -- and I'm not trying to belabor the point, but  
16 your answer would be, yeah, Judge, I think that's accurate?

17 A Yes. That's accurate.

18 Q Now, the other thing I'd ask you is, have you told anybody  
19 that you were either running for state representative or you were  
20 contemplating running for state representative, the position that  
21 is held by Representative -- I think it's Mickey Guillory, the  
22 representative from the Eunice area. Am I not misspeaking there  
23 when I say Mickey Guillory?

24 A That's correct.

25 Q Have you told people you were either going to run or you



1 were contemplating to run?

2 A Absolutely not.

3 Q That's not true?

4 A That is not true.

5 Q Have you ever spoken to Mr. Clifton Bro Lemelle or  
6 Mr. George Fisher about the potential of you running as a state  
7 representative for that seat currently held by Representative  
8 Guillory?

9 A No, I have not.

10 Q Do you have any intention as you sit here today to run for  
11 that position?

12 A No. If my wife even knew about that, she'd kill me.

13 Q That's a good answer, Mr. Fruge.

14 Let me ask you this. Have you had the opportunity --  
15 do you know Mr. Chad Lemelle?

16 A No, I don't.

17 Q Have you had the opportunity to speak to Mr. Bro Lemelle  
18 about his son's interest in the position at Eunice Junior High?

19 A No, I have not.

20 Q Have you had the opportunity to speak to Mr. George Fisher  
21 about his son's -- about Mr. Chad Lemelle's interest in the  
22 position?

23 A No, I have not.

24 Q And have you spoken -- do you know Ms. Lakesha Miller?

25 A I met her once.

1 Q And when was that, sir?

2 A I don't recall the date. It was at Eunice Junior High. I  
3 was there to talk to Coach Brown. She asked me if she could talk  
4 to me, and we talked for possibly five minutes at the most.

5 Q And may I ask you what the subject of that conversation was?

6 A She simply told me that she was interested in running and I  
7 wished her the best.

8 Q When you say running -- I'm sorry.

9 A She was a candidate for the position.

10 Q Oh, I'm sorry. Not running for political office, but a  
11 candidate for Eunice Junior High.

12 A Right.

13 Q So that's the extent of your knowledge about her interest in  
14 that position?

15 A Correct.

16 Q Now, I've asked some questions of both Ms. Frank and  
17 Mr. Standberry about the order of this court dated May 31<sup>st</sup>,  
18 which is Record Document Number 80 of the proceeding, which  
19 attached a copy of my May 29<sup>th</sup> order as well as Mr. Caswell's  
20 letter reply and attachments to that May 21<sup>st</sup> order. (Record  
21 document number corrected to Record Document Number 139. See  
22 Page 156, Line 4.)

23 And that order ordered -- said that -- I'll just read  
24 it for you again. It ordered that Interim Michael Nassif, upon  
25 assuming the duties of his office, which would have been the next

1 day, shall not recommend nor shall the St. Landry Parish School  
2 Board hire without prior order of this Court any persons to fill  
3 the administrative position referred to in the school board  
4 attorney's letter other than those persons whose names would have  
5 been submitted to the school board for its May 3<sup>rd</sup>, 2007,  
6 meeting.

7 Did you receive a copy of that letter, that order from  
8 the United States Clerk's Office through the United States Mail?

9 A Yes, I did.

10 Q All right. And you heard Mr. Standberry's recollection of  
11 the events around the May 3<sup>rd</sup> meeting. At that meeting there was  
12 actually a tabling by Mr. Miller of an agenda item, as I recall,  
13 to go ahead and for Superintendent Moreau to recommend these  
14 people, Ms. Miller for Eunice Junior High and Ms. -- and, again,  
15 I've messed up that lady's name enough -- Gamache, I believe, if  
16 I'm not misspeaking. Yes. Ms. Sandra Gamache, G-A-M-A-C-H-E.  
17 You understood that the superintendent was going to make those  
18 recommendations at that meeting?

19 A I respectfully invoke the Fifth on grounds it might  
20 incriminate me.

21 Q Okay. And may I ask you, you heard -- you know I want to  
22 say this, Mr. Fruge. I appreciate you saying "I respectfully,"  
23 but one of the great things about our great country is anybody  
24 can invoke it and you can do it disrespectfully, but I appreciate  
25 you saying that. I know what you're trying to accomplish by

1 phrasing it that way, and I personally appreciate it as you said  
2 you appreciated my consideration for your health earlier, but, at  
3 any rate --

4 THE COURT: And excuse me. I've got a note here. I've  
5 been saying Record Document 80. I've made that reference several  
6 times and I apologize for that. It's not 80. It's actually  
7 Record Document 139.

8 And I think it's not only not proper, Ms. Bourque -- it  
9 may be illegal. If it's not illegal, if you -- when you provide  
10 the copy of the transcript, I'm going to ask you, where I said  
11 80, if you could put in parens after it that it was corrected by  
12 the Judge, see page whatever, to Document 139, because I don't  
13 want to mess up anybody in the public who may read that online  
14 and may want to come to the courthouse and look at these records  
15 because they can certainly do that, too.

16 BY THE COURT:

17 Q You did hear Mr. Standberry's testimony about the issue  
18 comes up about terminating the contract of the superintendent at  
19 the May 3<sup>rd</sup> meeting. There is a recess. And the lawyer speaks  
20 and said, if you all do this, the board is going to be liable,  
21 and the individual members who vote for it are going to be liable  
22 to the superintendent for any damages he may suffer personally.  
23 Do you recall his answer to my questions about that?

24 A Yes, I recall them.

25 Q Okay. And you recall that after that lawyer said that,

1       sometime shortly after that that there was a brief recess and the  
2       board came back into the meeting. There was a motion made to  
3       have a special meeting to consider charges and termination of the  
4       superintendent at a special meeting on, I think, May the -- I  
5       said it earlier and I'm forgetting now. You may remember the  
6       date or you may not.

7       A     May 9<sup>th</sup>.

8       Q     That's right, some six days later.

9                 Now, then I believe -- and I can't recall from the  
10       minutes I read either. During that time frame of the meeting,  
11       Mr. Miller, John Miller, made the motion to table the  
12       superintendent's recommendation that was an agenda item to fill  
13       these two vacancies at Eunice Junior High and Morrow Elementary.  
14       Do you recall that?

15       A     Yes, I do.

16       Q     And my recollection is you voted for that; is that right?

17       A     Yes, I did.

18       Q     And, again, as I said to Mr. Standberry, you as the people's  
19       representative have a right to do what you think is best for  
20       whatever reason or no reason.

21                 Are you able to share with this Court today your reason  
22       for voting the table agenda item that had a unanimous  
23       recommendation from two different committees consisting of three  
24       persons on each committee that were the same but one different on  
25       each committee? Would you care to share that with me right now

1 if I asked you to?

2 A I think it was tabled with the idea of the possibility that  
3 there was going to be a new superintendent, and it would be  
4 pertinent to have the new superintendent make that decision.

5 Q And at that time that you voted for that, were you aware  
6 that that had been the normal selection process that your school  
7 system has used, at least since I've been presiding and certainly  
8 since you've been on the school board because I've been presiding  
9 longer than you've been on the school board, but that procedure  
10 had been followed, namely that Superintendent Moreau had  
11 appointed a committee, that that committee had interviewed  
12 applicants, that that committee had recommended applicants and  
13 had rated them? Are you familiar that that had happened?

14 A I wasn't aware of the ratings, but I knew that the  
15 recommendation had been made by the superintendent.

16 Q But you were familiar with the procedure? Whether you knew  
17 the actual ratings of the two people that the superintendent  
18 indicated that he was going to recommend, you may not have known  
19 they both finished number one, but you were aware that the  
20 procedure had been followed; is that true?

21 A Yes.

22 Q Okay. And you were present here on January 31<sup>st</sup> when we had  
23 the special meeting concerning the principalship at Washington  
24 Vocational?

25 A Yes.

1 Q And that was the one that Mr. Richard, Scott Richard, got to  
2 testify?

3 A Yes.

4 Q You are familiar, are you not, from having been there that I  
5 said the school board is not to hire any person in a  
6 principalship or administrative position against the  
7 superintendent's recommendation without the prior approval of the  
8 Court? Are you familiar with that?

9 A Yes.

10 Q Now, Mr. Standberry indicated to his best recollection that  
11 during that interim at the May 3<sup>rd</sup> meeting after Mr. Moreau's  
12 lawyer said do this, you're violating his contract, do this, the  
13 school board is going to pay and you individual members are going  
14 to pay, and you had that recess, Mr. Standberry's recollection to  
15 my memory and my recollection is that during the recess, that you  
16 and Ms. Eaglin, Mr. Scott Richard, Ms. Josie Frank, Mr. Quincy  
17 Richard met and discussed -- or at least met. Is that a fair  
18 characterization? Do you agree with that or is that not what you  
19 recall?

20 A I respectfully invoke the Fifth.

21 Q All right. And so I assume -- and you correct me if I'm  
22 wrong -- since you won't -- since you invoked the Fifth Amendment  
23 right not to incriminate yourself about whether the meeting  
24 occurred, anything that I ask you, any question that I ask you  
25 about what was said if such a meeting took place, would you

1 likewise invoke the Fifth Amendment?

2 A Yes, I would.

3 Q Okay. I'll certainly honor that.

4 THE COURT: Okay. Mr. Fruge, thank you very much.

5 MR. WASHINGTON: Your Honor?

6 THE COURT: Yes, sir.

7 MR. WASHINGTON: May we have a sidebar before you  
8 release Mr. Fruge?

9 THE COURT: You absolutely may, Mr. Washington.

10 (CONFERRING)

11 BY THE COURT:

12 Q All right. Mr. Fruge, I do have a couple more questions I  
13 would like to ask you. Did you have a conversation with  
14 Ms. Frank about wanting to have a male principal at Eunice Junior  
15 High School rather than a female principal at Eunice Junior High  
16 School?

17 A I respectfully decline to answer that. I'm taking the  
18 Fifth, invoke the Fifth.

19 Q Okay. So you've invoked your Fifth Amendment right. That's  
20 fair.

21 Did you ever discuss with Ms. Josie Frank Mr. Chad  
22 Lemelle as being the desired person for principalship at Eunice  
23 Junior High School?

24 A I respectfully invoke the Fifth.

25 Q Did you ever have any discussion with Ms. Josie Frank about



1 Ms. Lakesha Miller accepting the school board decision to place  
2 Mr. Chad Lemelle at Eunice Junior High School and her applying  
3 for the position at Central Middle School and that she would get  
4 that position?

5 A I respectfully invoke the Fifth.

6 Q Did you ever have a discussion with Ms. Josie Frank about a  
7 gentleman by the name of Wendell Prudhomme wanting the job at  
8 Central Middle School?

9 A I respectfully invoke the Fifth.

10 Q Did you ever have a discussion -- or were you ever made  
11 aware from Ms. Josie Frank that Ms. Lakesha Miller was not  
12 interested in the position of principalship at Central Middle  
13 School, but, rather, wanted the principalship at Eunice Junior  
14 High?

15 A I respectfully invoke the Fifth.

16 Q Did you ever have a discussion with Josie Frank or any other  
17 member of the school board about hiring Ms. Garitol Maria Pitre  
18 to be the new superintendent of St. Landry Parish?

19 A I respectfully invoke the Fifth.

20 Q Do you know Ms. Pitre?

21 A No, I do not.

22 Q Do you know of Ms. Pitre?

23 A No, I do not, other than what I heard Ms. Frank say a few  
24 minutes ago. I don't know her personally.

25 Q Well, I accept you don't know her. And, again, think about

1 -- I want you to listen to my question because I don't want to  
2 trick you, Mr. Fruge, I don't.

3 The first question I asked you -- and I'm going to read  
4 back what I asked you and what you answered.

5 Did you ever have a discussion with Ms. Josie Frank or  
6 any other member of the school board about hiring Ms. Garitol  
7 Pitre who's also known as Maria? And you said: I respectfully  
8 invoke the Fifth Amendment. And then you said: No -- I said:  
9 Do you know Ms. Pitre? And you said: No, I do not.

10 And then I asked: Do you know of Ms. Pitre; not that  
11 you know her, but do you know of her? And then you said: No, I  
12 do not, other than what I heard Ms. Frank say a few minutes ago.  
13 I don't know her personally.

14 And then I asked: Well, I accept you don't know her.  
15 And, again, think about it. I want you to listen to my question  
16 because I don't want to trick you, Mr. Fruge, I don't. And then  
17 I went and started with the explanation.

18 Now, you've invoked your Fifth Amendment right about  
19 having a discussion with Ms. Frank or any other school board  
20 member about Ms. Pitre. I respect that. Then you said all you  
21 knew about her was what Ms. Frank said, and then you started to  
22 say other than -- and you were going into an area where you had  
23 invoked your Fifth Amendment right.

24 So I'm going to ask this question, and if you choose to  
25 invoke your Fifth Amendment right, you have the absolute right to

1 do so.

2 Have you ever discussed with anyone, school board  
3 member or anyone else, Ms. Garitol Pitre as a potential candidate  
4 to fill the vacancy of superintendent in St. Landry Parish?

5 A I respectfully invoke the Fifth Amendment.

6 THE COURT: Thank you, Mr. Fruge. I thank you very  
7 much. You may step down, sir.

8 I'd like to see all the lawyers at sidebar.

9 Mr. Hammonds, we're getting close I assure you. I'm  
10 sorry to you and Evangeline Parish.

11 (CONFERRING)

12 THE COURT: All right. I'd like next to have  
13 Ms. Eaglin, the president of the school board, to come on up  
14 here.

15 Ms. Jordan, if you would go ahead and administer the  
16 oath to Ms. Eaglin.

17 THE CLERK: Do you solemnly swear that the testimony  
18 you will give in this case will be the truth, the whole truth and  
19 nothing but the truth?

20 MS. EAGLIN: I do.

21 THE CLERK: Thank you.

22 Whereupon,

23 ELINOR NACOSTE-EAGLIN

24 was called as a witness; after having been first duly sworn, was  
25 examined and testified as follows:

**EXAMINATION**

1  
2 BY THE COURT:

3 Q Good afternoon, Ms. Eaglin.

4 A Good afternoon.

5 Q I know from my previous meetings with you that you are a  
6 lady of some distinction as it relates to education, formal  
7 education and involvement in educational matters. And I'm going  
8 to get into that in a little bit in a moment, but would you go  
9 ahead and state your full name for the record.

10 A Elinor, E-L-I-N-O-R, Nacoste, N-A-C-O-S-T-E, hyphen, Eaglin,  
11 E-A-G-L-I-N.

12 Q And, Ms. Eaglin, I know you to be a member of the St. Landry  
13 Parish School Board and the current president of the St. Landry  
14 Parish School Board. Is that right?

15 A Correct.

16 Q When were you elected to the St. Landry Parish School Board?

17 A September 30<sup>th</sup>, 2006, sworn in on January 7<sup>th</sup>, 2007.

18 Q When were you elected president of the school board?

19 A January 7<sup>th</sup>, 2007.

20 Q So you were elected president the first meeting you attended  
21 as a member; is that right?

22 A Correct.

23 Q Okay. Now, let's talk a little bit about your own  
24 educational level and background. What's your -- what is your  
25 educational level, ma'am?

1 A A BS degree from Grambling State University; M.Ed, a  
2 specialist in reading from LSU, Baton Rouge; further studies at  
3 Southern University, UL and McNeese.

4 Q And I recall from -- I don't recall what, but I recall from  
5 our various conversations that you have been involved in  
6 education-related matters for a good part of your adult life. Is  
7 that true?

8 A Thirty-nine years.

9 Q And would you tell us a little bit right now about your  
10 involvement in these other organizations as they relate to  
11 education?

12 A Let's see where to start.

13 Q Well, let's start this way with your executive service to  
14 other organizations, and we'll kind of limit it to that because I  
15 don't want to belabor the point.

16 A Right. I have served as president of the St. Landry  
17 Association of Educators, which is the largest employee  
18 organization or union in St. Landry Parish. I have served on the  
19 Board of Directors for the Louisiana Education -- Louisiana  
20 Association of Educators. I have held membership in many, many  
21 -- and leadership roles in many other organizations.

22 Q And, ma'am, you have been present, have you not, throughout  
23 the entire proceeding here today, including specifically the  
24 questioning by the Court of Ms. Josie Frank, Mr. Anthony  
25 Standberry, and Mr. Harry Fruge; is that correct?

1 A That is correct.

2 Q And from what you know as a citizen of our great republic  
3 based on your own life experience, education, what you may have  
4 seen on TV and what you know about the workings of our  
5 constitution, the magnificent document that it is, and what  
6 you've seen here today in the courtroom, if at any point during  
7 this proceeding -- and I'm not suggesting you will feel the  
8 necessity, but if you do feel the necessity to invoke your Fifth  
9 Amendment right against self-incrimination, do you think you  
10 understand the process whereby one might do that?

11 A Yes, I do.

12 Q Thank you.

13 Now, do you know Mr. Chad Lemelle?

14 A As a matter of fact, I was introduced to him this morning.  
15 I had never met him before.

16 Q So you met Mr. Lemelle here this morning?

17 A Yes, I did.

18 Q Do you know Mr. Clifton Bro Lemelle who Ms. Frank indicated  
19 is Mr. Chad Lemelle's father?

20 A Correct.

21 Q And how long have you known Mr. Bro Lemelle?

22 A I have known him all my life.

23 Q And I know from talking to him in years past that he's been  
24 pretty actively involved as an employee and in other  
25 organizations in the St. Landry Parish School System. Is that

1 true?

2 A That is true.

3 Q And I don't know his current status, but at some point and  
4 some juncture in his history he served as the leader of one of  
5 the teacher organizations in the parish. Is that true?

6 A That is correct.

7 Q Does he currently serve in such capacity to your knowledge?

8 A I'm not absolutely sure, but I would imagine he still does  
9 because I'm still involved with the St. Landry Association of  
10 Educators.

11 Q And what is the name of his organization or the organization  
12 that he headed?

13 A J.K. Haynes Foundation.

14 Q Okay. And could you tell me a little more about J.K. Haynes  
15 Foundation? What does it consist of? Why is it different and  
16 apart from the one you were -- LAE?

17 A Because it's historically black. It was the organization  
18 that was in place prior to integration.

19 Q I see. So it would be a fair characterization for me in the  
20 year 2007 that it's got a pretty great history and it was -- at  
21 one time that's the only place black teachers could go?

22 A Correct.

23 Q And it's maintained -- I'm not going to say necessarily a  
24 separate entity, but at least a dual identity with the bigger  
25 association that you were a member of?

1 A Correct.

2 Q And do you know Ms. Lakesha Miller?

3 A Yes, I do.

4 Q And how is it that you know Ms. Miller?

5 A When Ms. Miller came into the education family in St. Landry  
6 Parish, I was one of the first persons, I think, that met her and  
7 encouraged her to become a member of the union.

8 Q And of your knowledge, do you know where and in what  
9 capacity she's currently employed?

10 A Yes. I know her to be an administrative assistant at Eunice  
11 Junior High.

12 Q And do you know a gentleman by the name of Wendell  
13 Prudhomme?

14 A No, I don't.

15 Q Were you familiar prior to today that Mr. Wendell Prudhomme  
16 is an employee in the St. Landry Parish School System?

17 A So I learned today.

18 Q Before today you did not know that?

19 A No.

20 Q And your district comprises what geographic area within St.  
21 Landry Parish, Ms. Eaglin?

22 A Opelousas. From Highway 742 up until Main -- no, not Main.  
23 I could have a reference point sitting in the audience, but,  
24 anyway, it's all the way from -- it encompasses everything from  
25 Highway 742, which borders Little Teche near Savoy's Sausage



1 Kitchen, all the way into Opelousas across I-49 back toward 167  
2 to Kennerson Road (phonetic) I think it is.

3 Q Okay. And knowing St. Landry Parish geographically pretty  
4 well -- I don't know all the names and I don't know the location  
5 of all of those roads, but from what you described, the  
6 geographic boundaries more or less of your district, I am correct  
7 in assuming that you don't come close to touching on Eunice?

8 A Oh, no.

9 Q Okay. And do you know how many employees you have in the  
10 school system in St. Landry Parish?

11 A Not really. It's right -- I would say right at about 2,200  
12 maybe.

13 Q So it would not surprise you that you don't know all the  
14 employees in your system?

15 A Not at all.

16 Q And particularly one that might be in the Eunice area?

17 A Correct.

18 Q Okay. And let me ask you, do you know a lady by the name of  
19 Garitol Maria -- and I may be pronouncing it wrong, and, again, I  
20 apologize -- Pitre?

21 A Garitol Pitre? I heard her name today.

22 Q You have not heard her name before today?

23 A No.

24 Q You had not heard her name?

25 A No.

1 Q Okay. And do you know a gentleman by the name of George  
2 Fisher?

3 A Yes, I do.

4 Q How do you know Mr. Fisher?

5 A Well, he's a radio disc jockey. He's been in the paper  
6 concerning many issues around the Eunice area and St. Landry  
7 Parish.

8 Q And may I ask you, ma'am, the question I asked Ms. Frank and  
9 then Mr. Fruge? Knowing Mr. Lemelle the way you know him and  
10 knowing Mr. Fisher the way you know him, would it be fair to say  
11 the fact that you are now an elected public office holder in St.  
12 Landry Parish and more than that, the president of the school  
13 board, would it be fair to say that in St. Landry Parish politics  
14 that both Mr. Clifton Bro Lemelle and George Fisher might be  
15 referred to as -- or considered political players?

16 And by that I mean people who get involved in political  
17 campaigns either for or against a candidate.

18 A Yes.

19 Q Okay. And let me ask you, ma'am, have you had discussion  
20 with any member of your school board, in particular Ms. Frank,  
21 but any other member about the position that is to be filled --  
22 that Superintendent Moreau was going to fill at the  
23 May 3<sup>rd</sup> meeting when he would have recommended Ms. Lakesha Miller  
24 for the principalship at Eunice Junior High? Have you had any  
25 discussion with any member of your school board, but particularly

1 Ms. Josie Frank, outside a school board meeting?

2 A Because I can't recall, I'm going to invoke the Fifth  
3 respectfully, Your Honor.

4 Q Okay. Well, I'm going to ask -- and I'm going to count your  
5 answer as, Judge, I invoke the Fifth Amendment, not that I can't  
6 recall because I don't want -- and that's to your add,  
7 Ms. Eaglin. I'm trying to help here and not hurt.

8 And I think Ms. Frank understands what I'm trying to  
9 do. If you invoke the Fifth, it doesn't matter -- I don't want  
10 you to say you don't recall. So I'm taking that as I invoke the  
11 Fifth Amendment and that way you didn't have to say anything.

12 A Okay. That's fine.

13 Q Now -- well, let me ask you, have you discussed the filling  
14 of the principalship with any other person not on the school  
15 board, with anyone, the fact that Lakesha Miller was going to be  
16 recommended by the superintendent at the May 3<sup>rd</sup> meeting had he  
17 been afforded the opportunity to do so? Did you discuss that  
18 position with anybody off the school board?

19 A If you mean have I received calls lobbying me to support  
20 Lakesha for that position? Does that include that?

21 Q Well, again, I don't want to trick you, and, again, I'm  
22 really trying hard because you're not a lawyer. You're a smart  
23 lady and an educated lady, but you're not a lawyer. And you have  
24 the right to invoke that amendment, the Fifth Amendment, any time  
25 you want to.

1           What I want to know is not that someone called you and  
2 said, I'm an applicant, please vote for me, or not that I know  
3 this person or that person and he or she is a good person.  
4 Please support that person, Madam President. I'm talking about  
5 how the position would be filled. Have you discussed that with  
6 anybody?

7       A     No.

8       Q     Would you tell me then who you discussed the position with  
9 at all?

10      A     Well, I received a phone call from Mary Ellen Donatto from  
11 Eunice, a principal in Eunice, asking me to attend interviews so  
12 that I could hear Ms. Miller's character and qualifications and  
13 all of that.

14      Q     And did you take that -- or am I to take it -- and I can't  
15 tell exactly from your response. You said you got the call from  
16 Ms. Donatto. Did I say it right? D-O-N --

17      A     A-T-T-O.

18      Q     Okay. Ms. Donatto. Am I to take it she wanted you to go  
19 look for yourself because she thought so much of Ms. Miller or go  
20 look for yourself because she thought not quite as much of  
21 Ms. Miller to fill the position?

22      A     I think it was the previous, because she thought so much of  
23 her.

24      Q     Okay. And did you in fact have the opportunity to go do  
25 that?

1 A No, I didn't.

2 Q Okay. And were you aware on May the 3<sup>rd</sup> that the normal  
3 procedure, as I told Mr. Fruge, that has been used by the St.  
4 Landry Parish School System, at least since I've been presiding  
5 over this case for the last seven years, was complied with by the  
6 superintendent, the former superintendent when he appointed a  
7 committee? That committee conducted interviews, that committee  
8 rated the applicants, and then that committee made a  
9 recommendation to the superintendent who, in turn, made a  
10 recommendation or was going to make a recommendation to the  
11 school board. Were you aware that that procedure had been  
12 followed through with?

13 A Well, because I received the scheduling of the interviews,  
14 yes.

15 Q And you also are aware as president, I'm sure, because I've  
16 forgotten -- there was much turmoil during the last  
17 administration, if you would, about how things get on the agenda  
18 and the authority of the president, which is kind of -- I mean,  
19 it was the subject of much discussion let me say, and I don't  
20 need to go any further than that, but I know that the president  
21 has at least at a bare minimum knowledge of what the agenda items  
22 are.

23 A I had knowledge of the agenda items that I requested to be  
24 placed on the agenda. I had no knowledge of the agenda items  
25 that were going to be placed by the superintendent. We did not

1 have that line of communication.

2 Q And under your dual system there, if you would, or my  
3 characterization, the dual system that St. Landry uses, the  
4 president can request them matter of factly and the  
5 superintendent can put them on there matter of factly. That's  
6 just the way it works in St. Landry Parish, right?

7 A That's correct.

8 Q So when you got to the meeting that night and you had the  
9 agenda, you did know, did you not, that it was one of the agenda  
10 items? The consideration of the superintendent's recommendation  
11 for the principalship at Eunice Junior High and Morrow Elementary  
12 was supposed to come to the board for a vote; is that right?

13 A At the meeting, yes.

14 Q And you were aware -- and do you recall the way, I think,  
15 Mr. Fruge -- and I don't want to mischaracterize his testimony --  
16 or Mr. Standberry's recall that at the May 3<sup>rd</sup> meeting, and what  
17 I recall from reading the minutes, that Mr. Lanny Moreau, the  
18 then superintendent, had an attorney, and after -- I think it was  
19 Scott Richard and whoever else, Quincy, or whoever else, Richard,  
20 and the committee that met before the school system -- maybe you  
21 could tell me what committee is that because --

22 A Personnel Committee.

23 Q Personnel Committee. There had been a motion, I think --  
24 and I might be wrong and you may know this, too, but I think it  
25 was Scott Richard -- to terminate the superintendent's contract.

1 I get the minutes of the Executive Committee and the Personnel  
2 Committee and all these other committees, but my memory is not  
3 what it used to be.

4 I think -- I'm fairly certain it was Scott Richard that  
5 made the motion to go ahead and then terminate the  
6 superintendent's contract, and then that would be -- to bring it  
7 to the board that very night. Is that your recollection?

8 A I don't recall who made the motion, but I know the motion  
9 was made.

10 Q But to your recollection that was the procedure that was  
11 employed with the Personnel Committee, and the same day it  
12 happened there, then it was coming to the board to act on it?

13 A Yes.

14 Q And you recall -- and, of course, the minutes of that  
15 meeting are just like the minutes of your school board. They are  
16 what they are and whatever happened hopefully is accurately  
17 reflected. True?

18 A Yes.

19 Q Okay. And after that was made, that -- or after the motion  
20 got on the floor because it's on the agenda now, did you place  
21 that on the agenda, because under the procedure that I understand  
22 that needs to be followed, it's either the superintendent that  
23 puts it on there or the president. There's no other way to get  
24 it there unless you have maybe a nine vote or something like that  
25 to bring something special. Maybe you don't even have that in

1 St. Landry.

2 A No. The committee agendas -- items may be added to the  
3 committee agendas. This was an added item, and anything that  
4 transpires -- any business that's transacted at committee is  
5 referred to the full board. It just happens that the Personnel  
6 Committee meeting is held on the day of the full board. So  
7 that's how it got to the full board.

8 Q I'm with you. So I misspoke a while ago when I said the  
9 only way anything can get on the agenda under what I call the  
10 dual system in St. Landry Parish is that either the  
11 superintendent puts it on or the president puts it on. Another  
12 way to get on is if a committee --

13 A Through a committee.

14 Q Okay. I understand now. And, again, I think it was Scott  
15 Richard, but the record is the record. They make the motion in  
16 Executive Committee.

17 A Personnel Committee, sir.

18 Q Excuse me. Personnel Committee on May the 3<sup>rd</sup>. Because  
19 it's made there and approved, it goes to the full board so  
20 there's going to be action that night?

21 A Correct.

22 Q Okay. And let me ask you, under your understanding of your  
23 authority as the president of the board, do you have the  
24 authority to say, well, wait, time out, I don't want this to go  
25 on right now as president? Does the president have that



1 authority or not?

2 A Not as far as I know. I don't know.

3 Q In other words, if a committee of the school board says we  
4 want it on there, by God it's on there come you know what or high  
5 water, right?

6 A Yes. But there's always the -- the body has the option to  
7 object to consider through parliamentary procedure and that has  
8 never been invoked. So --

9 Q I'm sorry. You say the body has the procedure?

10 A Someone in the body can object to consider and that --

11 Q So a majority vote would do it and say we're not going to  
12 consider it, like seven to six in the case of the board. If the  
13 president voted, it would be seven to six, and if it's not a tied  
14 vote, the president doesn't usually vote. Is that right?

15 A Correct.

16 Q Now, on the night of May 3<sup>rd</sup> when this got put on the  
17 agenda, did the president get to vote?

18 A Yes.

19 Q So I take it it was six to six --

20 A Correct.

21 Q -- to put it on the agenda before the president voted?

22 A Yes.

23 Q So, in this instance, had the president chosen to do so, the  
24 president could have stopped it from being on the agenda that  
25 night?

1 A That is correct.

2 Q Okay. Now, the characterization that I made from my review  
3 of the minutes and what I believe Mr. Fruge and Mr. Standberry  
4 agreed to, Mr. Lanny Moreau's lawyer got up there and said, hey,  
5 folks, y'all are violating his rights under the contract. You're  
6 violating state law if you terminate him tonight. You're denying  
7 him his due process right. Here's the way it must go. And not  
8 only will the school board be liable, but so will each of you  
9 board members who vote for that immediate termination be  
10 individually liable. Is that true?

11 A That is correct.

12 Q And after that there was a brief recess?

13 A Not immediately.

14 Q At some point after that?

15 A Yes, but only after further explanation by our own attorney  
16 as to the process.

17 Q Okay. And, Ms. Eaglin, after that discussion, after  
18 whatever Mr. Moreau's lawyer said, everybody says, Mr. Caswell,  
19 you're our legal eagle. You know, what's the deal? What's your  
20 view?

21 And it appears to me that certainly on this occasion --  
22 well, I'm not going to say that, it doesn't matter, but after he  
23 said what he said, there was a brief recess; is that right?

24 A Yes.

25 Q And you heard Mr. Standberry say that his recollection was

1 that he participated in a brief conference, whatever the recess  
2 conference was -- I don't know how brief it was because I can't  
3 tell from the record, unless the record states it, and I don't  
4 recall -- that he met with you, with Mr. Scott Richard,  
5 Ms. Frank, Mr. Quincy Richard, Mr. Harry Fruge. Do you recall  
6 that happening?

7 A I recall having a caucus with a number of board members. As  
8 Mr. Anthony says, Mr. Standberry said, he was present. I know I  
9 was present. I can't recollect who else was present.

10 Q You don't remember who else might have been there?

11 A No.

12 Q Do you recollect what was said?

13 A Specifically?

14 Q Yes, ma'am.

15 A No, not specifically.

16 Q Generally would be fine.

17 A In general, based on our attorney's opinion, we will have to  
18 back off of this. In essence that's about what the conversation  
19 was.

20 Q So the decision was made we're going to stop this tonight  
21 because we could get in some serious legal or financial legal  
22 trouble if we don't?

23 A Correct.

24 Q Okay. I said earlier, despite the time that I read the  
25 minutes, that you questioned who Mr. Caswell represented, the

1 board, the full board or the superintendent. That's some good  
2 advice and I'm glad y'all took it for y'all's sake.

3 A Well, to be honest with you, Your Honor, at the time that  
4 comment was made by me, and, yes, I did make it.

5 Q Yes, you did. Yes, you did.

6 A Oh, yeah.

7 Q Just a minute. Yes. You did make it and the record is the  
8 record and that's not what I'm here for today. So just stop.

9 You run the school board meetings. I run this proceeding. Okay?

10 A Oh, that's fine.

11 Q Thank you.

12 Now, when was the first time that you discussed -- or  
13 let's talk about it this way.

14 Prior to the meeting of May 3<sup>rd</sup> when you got this  
15 resolution out of the Personnel Committee to place on the  
16 May 3<sup>rd</sup> agenda the termination of Superintendent Moreau's  
17 contract, prior to that day had you had previous discussion with  
18 members of your board to terminate Mr. Moreau's contract with the  
19 school system as superintendent since assuming office in January  
20 of this year prior to May 3<sup>rd</sup>?

21 A Prior to May 3<sup>rd</sup>? I'll respectfully invoke the Fifth.

22 Q Okay. And let me ask you this. I believe I'm right about  
23 this, Ms. Eaglin, because that's when we met first. You were in  
24 a campaign against Mr. Charles Ross who I alluded to earlier, the  
25 former president, former long-time member of the school board.

1           And you came up to me and you said -- you introduced  
2 yourself and I think I said it was nice to meet you and I wish  
3 you well, just normal pleasantries we exchanged. I know you  
4 attended that meeting and I know you attended one other meeting  
5 prior to your election or prior to your being sworn in as a  
6 school board member. Is that true?

7           A     That is correct.

8           Q     And to my best recollection -- and the record here is the  
9 record, and I haven't -- to be candid with you, I can't tell you  
10 which meeting it was, but I'd bet the house that you were at one  
11 of those two meetings -- and the record would reflect that --  
12 where I said something at one of those meetings, we're in the red  
13 zone now, using, again, the football metaphor meaning that we're  
14 -- and I explained what that meant.

15                  I said, we're not only inside the ten-yard line, we're  
16 inside the five-yard line. Heck, we're on the one and a half  
17 yard line as far as declaring this school system unitary.

18                  Were you present at that meeting?

19           A     Yes, I was.

20           Q     Were you also present -- I think it was another meeting.  
21 And, again, I like football, but I'm not as big a football fan as  
22 it might indicate by all the use of the metaphors I've used here,  
23 but at another meeting -- they weren't in the same meeting as I  
24 recall -- I said we're back on that one yard. We're inside the  
25 one. Don't fumble the ball.

1           Do you remember me saying something like that?

2     A     Yes, I do.

3     Q     Now, let me ask you this, Ms. Eaglin. You and I, as I  
4 alluded to, had at least two meetings, long meetings, one  
5 including the superintendent. I think I said in this very  
6 courtroom the last time we were all together -- and it's on the  
7 record.

8           When I first met you -- and at that last meeting I  
9 expressed some disappointment in what had transpired since that  
10 meeting, but when I first met you, I said you blew me away, and  
11 by that I gave you what I thought was a great compliment as far  
12 as not only your ability to express yourself, which is obviously  
13 evident here today, but your educational background and your own  
14 educational experience.

15           And during that first meeting you talked about the  
16 superintendent and the relationship with the superintendent, and  
17 we actually had a meeting with the superintendent and you and he  
18 in my presence exchanged certain -- or made certain  
19 representations to each other. Do you recall that?

20     A     Yes, I do.

21     Q     And I think subsequent to that meeting with the  
22 superintendent, you and I -- I don't know if we met, I don't  
23 recall, but we at least spoke once and maybe twice about issues  
24 that might have come up that appeared to me to contradict the  
25 understanding and, frankly, quite frankly, agreements that I

1 thought you and former Superintendent Moreau had arrived at in my  
2 presence. We had discussions about that.

3 And I don't need right now and don't care to -- it's  
4 not germane and it's getting late for all of us -- to go into it,  
5 but do you recall us having at least a telephone conversation?

6 And maybe it was even another meeting. I just don't  
7 recall. Do you recall that?

8 A Not telephone conversations. We met in chambers.

9 Q Okay. Good. So I didn't recall. I just knew we had such a  
10 meeting. That's true?

11 A Yes.

12 Q All right. And would it be fair from the meeting I had with  
13 you initially, the meeting you had with the superintendent with  
14 me in my presence in chambers, both of those, as well as the  
15 third meeting you just said we had and corrected me that it  
16 wasn't by phone, that as a member of the St. Landry Parish School  
17 Board, as one who had been to at least two quarterly status  
18 conference meetings prior to your taking office as a member of  
19 the school board and being elected president, that you were aware  
20 of where we were in the process of ending this 42-year-old plus  
21 school desegregation case as far as almost at the end I thought?  
22 Were you aware that that's how I saw it?

23 A I'm aware that's the way you saw it, yes, sir.

24 Q Okay. And did you express to me -- and that's interesting  
25 the way you answered that. I don't recall, but I stand to be

1 corrected. Let's talk about the way you saw it because if you  
2 saw it any differently than me -- are you telling me here, Judge,  
3 well, I told you I didn't see it that way? Are you telling me  
4 that?

5 A We didn't really -- other than in chambers, you, I and the  
6 superintendent didn't talk about nearly being there.

7 Q About saying what?

8 A We didn't talk about being so close to finishing.

9 Q No. Excuse me. What I meant -- and maybe I didn't make  
10 myself clear. What I meant, would it be a fair assumption on my  
11 part from your attendance at those two conversations -- I mean,  
12 two of the status conferences on the record that I had with the  
13 board and that I met you and you said you attended prior to your  
14 taking office, as well as the one-on-one that you and I had, not  
15 the superintendent -- and we talked about a lot of things, you  
16 and I did. We talked about some mutual friends we have or at  
17 least one mutual friend we have who we both like and respect  
18 greatly.

19 Would it be fair that you understood at that juncture  
20 from whatever you knew from having gone to all these school board  
21 meetings that you told me you used to go to and all the other  
22 activities you had with various educational organizations in the  
23 St. Landry Parish School System, that you knew that these  
24 quarterly meetings were going on, that you knew that the lawyers  
25 were working, that Superintendent Moreau and his senior staff



1 were working, and that the school board was coming in here and  
2 asking questions if they had any, making comments if they had  
3 any, that we were trying to get this case over in the year 2007?  
4 Is that a fair assumption?

5 A I am aware and that is an assumption you could make, and in  
6 all due respect, Your Honor, from your perspective.

7 Q Again, since I'm the Judge presiding and I'm the  
8 constitutional officer that has the obligation, as do you and all  
9 the other members of the school board, to uphold, defend and  
10 protect the constitution of the United States, particularly as it  
11 relates to school desegregation cases, and that I've been, along  
12 with a bunch of other good people, not only the former  
13 superintendent, but a bunch of other good people still in this  
14 room, some on the board, who have been doing all we could for  
15 seven years, that whether or not you thought otherwise or not,  
16 you knew where I was, right?

17 A Yes, I did.

18 Q Was it your intention -- and I'm asking you, and this is not  
19 -- this is just -- I'm not saying it's a yes or no, but it's not  
20 a long answer.

21 Was it your intention to convey to me when we met at  
22 any time that you didn't think we were there yet, Judge, and, by  
23 the way, I'm not really in favor of proceeding down this path so  
24 quickly? Did you ever indicate that to me?

25 A No, I did not.

1 Q In fact, did you indicate the same, that you wanted this  
2 case to come to an end, too? Did you do that?

3 A Oh, yes, and I do today.

4 Q That's certainly my recollection, Ms. Eaglin.

5 Okay. And, again, just so I'm sure -- and if I've  
6 asked you and you've either answered or invoked the Fifth  
7 Amendment, forgive me. I'm just trying to make sure. And,  
8 again, I've got to be at least as tired as you are if you're  
9 tired because I've been doing most of the talking today.

10 A That's okay.

11 Q And some people would say a lot too much, and some people  
12 would say you're not using much of your brain, so why are you  
13 tired? So I don't know. That might be a good argument to be  
14 made, but forgive me if I've asked you and forgive me if I'm  
15 asking you to repeat your answer or invoke your Fifth Amendment  
16 right, but did you discuss with any school board member about  
17 filling the position at Eunice Junior High and not filling it  
18 with Lakesha Miller but with some other person?

19 A I invoke the Fifth.

20 THE COURT: Okay. Ms. Eaglin, that's all the questions  
21 I have and I thank you so very much. You may step down.

22 All right. I appreciate the patience of those of you  
23 who have sat throughout this entire proceeding here today. The  
24 school board members and the lawyers and certainly the central  
25 office staff had no choice, but those of you that did are a

1 combination of people who care about the system apparently and  
2 are brave souls because it's not fun to be a spectator. It's not  
3 fun to be a participant for this long. So I appreciate your  
4 patience.

5 And I had asked the lawyers in the other case to think  
6 about the possibility of letting -- not having this on the  
7 record, and I will find out their decision in just a moment, but  
8 we're in recess now for at least ten minutes and then we'll find  
9 out what the choice of the lawyers in the Evangeline Parish case  
10 is. Thank you.

11 And again, Superintendent Nassif, I wish you the very  
12 best, and if I can help in any way to assist you in reaching your  
13 goal, I will try to do so.

14 MR. NASSIF: Thank you, Your Honor.

15 THE COURT: We're in recess.

16 (Meeting adjourned.)

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1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF LOUISIANA  
3 LAFAYETTE-OPELOUSAS DIVISION  
4

5 MARILYN MARIE MONTEILH :  
6 vs. : DOCKET NUMBER 65-10912  
7 SCHOOL BOARD OF ST. LANDRY PARISH :  
8

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9 CERTIFICATE OF REPORTER

10 I, LaRae E. Bourque, Official Court Reporter for the  
11 United States District Court, Western District of Louisiana,  
12 do hereby certify that the foregoing 187 pages are a true and  
13 accurate transcript of the proceedings had in this matter,  
14 as hereabove set forth, and that I have no interest of any  
15 nature whatsoever regarding the ultimate disposition of this  
16 litigation.

17 I further certify that the transcript fees and format  
18 comply with those prescribed by the Court and the Judicial  
19 Conference of the United States.  
20

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22 LARAE E. BOURQUE, RPR, CRR  
23 Official Court Reporter  
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