

# Newsletter of the LCHR

## Louisiana Council on Human Relations

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### Race-Based *Coup d'État* alleged in North Louisiana

In the small northeast Louisiana town of Waterproof, the African-American mayor and police chief assert that they have been forced from office and arrested as part of an illegal coup carried out by the region's white political power structure. In a lawsuit filed in mid-March, Police Chief Miles Jenkins describes a wide-ranging conspiracy led by the area's district attorney and parish sheriff.

About 800 people live in Waterproof, a rural community in Tensas Parish that is 88% African American. Tensas has just over 6,000 residents, making it both the smallest parish in the state, and the parish with the state's fastest declining population. The area schools remain mostly segregated, with nearly all the Black students attending public schools, and nearly all the white students attending private schools. With a median household income of \$10,250, Waterproof is also one of the poorest communities in the US. The only jobs for Black people in town involve working for white farmers, according to Chief Jenkins. "Unless you go out of town to work," he says, "You're going to ride the white man's tractor. That's it."

Bobby Higginbotham was elected mayor of Waterproof in September of 2006. The next year, he appointed Miles Jenkins as chief of police. Jenkins, who served in the US military for 30 years and earned a master's degree in public administration from Troy University in Alabama, immediately began the work of professionalizing a small town police department that had previously been mostly inactive. "You called the Waterproof police for help before," says Chief Jenkins, "He would say, wait 'til tomorrow, it's too hot to come out today." He also sought to reform the town's financial practices, which Chief Jenkins says were in disorder and consumed by debt.

Ms. Annie Watson, a Black school board member in her 60s who was born and raised in Waterproof,

worked as a volunteer for the mayor. She says that the mayor and chief, who had both lived in New Orleans, brought a new attitude that Parish officials didn't like. "The Mayor and the Chief said you can't treat people this way, and the Sheriff and DA said you got to know your place. If you're educated and intelligent and know your rights in this parish, you are in trouble," she says. "They are determined to let you know you have a place and if you don't jump when they say jump you are in trouble."

Ms. Watson explains that Parish Sheriff Rickey Jones and District Attorney James Paxton were threatened by Chief Jenkins' efforts to professionalize the town's police force. Aside from representing a challenge to Sheriff Jones' political power, this also took away a source of his funding. "Before Mayor Higginbotham, all traffic tickets went to St. Joseph," she says, referring to the Parish seat, where Sheriff Jones is based. "So he cut their income by having a police department."

Jack McMillan, an African American deputy sheriff who works with Sheriff Jones, says he tried to warn Chief Jenkins to back down. "You've got to adapt to your environment," he says. "You can't come to a small town and do things the same way you might in a big city. Like the song says, you got to know when to hold 'em, and know when to fold 'em."

Chief Jenkins asserts that the white-led political infrastructure, led by the Sheriff Jones and DA Paxton, were threatened by his actions. This group immediately sought to orchestrate a coup against the two Black men, including clandestine meetings, false arrests, harassment, and even physical violence. Court documents describe how Paxton, Jones, and their allies formed an alliance "designed to harass intimidate, arrest, imprison, prosecute, illegally remove plaintiff from his position of police chief, prevent plaintiff

from performing his law duties as police chief and/or force plaintiff to leave the town of Waterproof.”

### **Tensas Parish**

Prior to the registration of 15 voters in 1964, there was not a single Black voter registered in Tensas, despite having more than 7,000 African American residents (and about 4,000 white residents), making it the last parish in Louisiana to allow African Americans to register. Tensas and the nearby parishes of Madison and East Carroll all share the sixth judicial district – currently represented by District Attorney Paxton. It is a small but influential district - Buddy Caldwell, DA for the sixth judicial district from 1979 to 2008, is now Attorney General for the state of Louisiana. The sixth district parishes all have majority Black populations and mostly white elected officials, which Chief Jenkins and Ms. Watson attribute to political corruption and disenfranchisement of Black voters.

Waterproof is “Reminiscent of the bygone days of southern politics,” with a white power structure maintaining political power over a Black majority, according to veteran civil rights attorney Ron Wilson, who is representing Jenkins in his civil rights lawsuit. “At any and all costs, even jeopardizing the life and freedom of my client, they will ruin him to maintain power. This case is ultimately about whether an African-American can be guaranteed the rights that are assured to him in the constitution.” According to court papers, this Jim Crow alliance dominates elected power in the area, and “even on the local level, where the office holders tend to be African American, they are powerless to control their own destiny.” According to Chief Jenkins, the District Attorney once boasted that he controlled the votes of Waterproof’s Black aldermen.

Chief Jenkins says he faced an immediate campaign of harassment. “They just wanted this town to be white-controlled,” explained Chief Jenkins. The police chief described being arrested multiple times under the order of DA Paxton and Sheriff Jones. The charges, says Jenkins, range from charges of theft for a pay raise he received from the town’s board of Aldermen to criminal trespass for going to the home of a citizen who had been stopped for speeding without a valid driver’s license, to disturbing the peace for an incident where individuals threatened the police chief with violence for issuing traffic citations. Ms.

Watson says the charges were invented out of thin air. “It was a sad case of lies,” she says, adding that, “The majority of the town of Waterproof supports the chief and supports the mayor.”

Chief Jenkins says he was arrested and declared a flight risk by District Attorney Paxton, despite living and owning property in the Parish. “In all my years,” says attorney Ron Wilson, “I’ve never seen a police officer, and certainly not a police chief, charged for something like this.” Chief Jenkins alleges he was attacked and choked by a deputy sheriff, who he says shouted, “Shut up . . . We are in charge . . . We are the sheriff and the sheriff controls Tensas Parish. The sooner you all learn this the better off you will be,” an action that Ms. Watson says she also witnessed.

Chief Jenkins says his police car was shoved in a ditch, and when he arrested the people who had committed the act, the DA refused to press charges. In fact, he says the DA refused almost all charges he presented and released anyone he arrested. The chief was even charged with kidnapping for one incident in which he arrested the former town clerk for illegal entry. “That’s the most ludicrous notion I’ve ever come across,” says Wilson. “That a police chief can be arrested for kidnapping, because he placed someone under arrest who was breaking the law.”

A grand jury has returned indictments of Chief Jenkins and Mayor Higginbotham, and Higginbotham’s trial is scheduled to begin this Monday. The mayor faces 44 charges, including 18 counts of malfeasance in office and 21 counts of felony theft. Jenkins faces three counts of malfeasance in office. The charges appear to be based on the results of a state audit of Waterproof that found irregularities in the town’s record keeping going back to before the election of Higginbotham – irregularities that the mayor and police chief say they had repaired.

### **Patterns of Violence**

Mayor Higginbotham was elected at the same time as two other Black mayors of small Louisiana towns, both of whom also received threats based on race. In December of 2006, shortly after Higginbotham was elected mayor of Waterproof, Gerald Washington was shot and killed three days before he was to become the first Black mayor of the small southwest Louisiana town of Westlake. An official investigation called his death a suicide, but family members insist

otherwise. Less than two weeks after that, shots were fired into the house of Earnest Lampkins, the first Black mayor of the northwest Louisiana town of Greenwood. Lampkins reported that he continued to receive threats throughout his term, including a “for sale” sign that someone planted outside his house.

Waterproof was Klan country from the reconstruction era until well into the 20th century. Eight Black men in Madison Parish were lynched over a period of three days in 1894 for the charge of “insurrection,” apparently because one man refused to follow an order from a sheriff. “The Klan was very active here,” says Ms. Watson, recalling her childhood in the 50s and 60s. “We had crosses burned on people’s lawns. The school principal had a cross burned on his lawn. A man named Sun Turner was shot and killed on the streets by the Klan.”

When asked for comment on Chief Jenkins’ lawsuit, Tensas Parish Sheriff Rickey Jones denied that race was a factor, claiming that Jenkins had abused his office and that many of the local citizens who filed complaints against him were Black. “I’m not going to support any type of corruption,” said Jones. “Certainly not from him.” District Attorney Paxton, also named as a defendant in the lawsuit, disputed all accusations from Jenkins, suggesting that he had tried to help Jenkins when he was first elected. “A lot of this will become clear when the case against Mayor Higginbotham goes to trial on Monday,” he added.

Flood Caldwell, one of the town’s aldermen, is currently serving as the town’s mayor. Jenkins points to Caldwell’s appointment as further evidence of a coup, saying that the town aldermen, under the direction of DA Paxton, illegally voted to remove Mayor Higginbotham. “No one recognizes Caldwell as mayor except the DA and his friends,” says Chief Jenkins. The office of the Louisiana Secretary of State confirms that they still have Higginbotham listed as mayor, adding that they cannot comment further because of pending litigation.

Wilson says this case is ultimately about the repression of Black political and civil rights. “I think this has been going on in Tensas for a while,” he says. “I think they’ve gone too far in this case, and someone finally has come along and says they won’t go along.” Wilson hopes this lawsuit will bring federal attention. “We hope the justice department will look

into this and bring some much-needed reform to this part of the world,” he says.

Chief Jenkins says he took the Sheriff’s job to serve the community, “You’ve given this country the best years of your life and you get treated like an unwanted stepchild,” he says. “I didn’t realize there was so much politics to just doing your job.”

Ms. Watson believes that this is a struggle for self-determination and basic civil rights. “Ever since I was born, Blacks never had a say in this parish, until Chief Jenkins and Mayor Higginbotham. They spoke up, and tried to change things. That’s why the parish is going after them.”

From the Louisiana Justice Institute;  
<http://louisianajusticeinstitute.blogspot.com/>

## **Jindal Sides with Wisconsin Gov. in Collective Bargaining Dispute**

Gov. Bobby Jindal weighed in last month on the high-profile standoff between Wisconsin Gov. Scott Walker and the Democrats who were trying to block his plan to limit the collective bargaining rights of public employees. Jindal, in a message posted on the internet, said Walker is “demonstrating remarkable political courage and showing what real leadership looks like.”

Other governors expressing support for Walker include Texas Gov. Rick Perry, the RGA’s chairman, as well as Mississippi Gov. Haley Barbour and Virginia Gov. Bob McDonnell. The message drew a quick rebuke from the Louisiana Democratic Party, whose spokesman said in an e-mailed news release that Jindal should be focusing on his own state’s budget problems. “The economic crisis looming in Louisiana could be as devastating as any we have ever faced and Louisiana deserves a governor who is 100 percent focused on solving problems here at home,” Democratic spokesman Kevin Franck said.

Louisiana faces a \$1.6 billion budget shortfall next year, and Jindal is expected to propose an array of cuts when he unveils his spending recommendations next month. Louisiana is among 13 states that don’t grant collective bargaining rights to public workers.

From the *New Orleans Times-Picayune*.

## **Civil Rights Suit Challenges La’s Felony Sex Work Law**

Eve is a transgender woman living in rural southern Louisiana. She was molested as a child and left home as a teenager. Homeless and alone, she was forced to trade sex for survival. During this time, she was arrested and charged with a Crime Against Nature, an archaic Louisiana law originally designed to penalize sex acts associated with gays and lesbians.

Eve, who asked that we not reveal her real name, spent two years in prison. During her time behind bars she was raped and contracted HIV. Upon release, she was forced to register in the state’s sex offender database. The words “sex offender” now appear on her driver’s license. “I have tried desperately to change my life,” she says, but her status as a sex offender stands in the way of housing and other programs. “When I present my ID for anything,” she says, “the assumption is that you’re a child molester or a rapist. The discrimination is just ongoing and ongoing.”

Eve was penalized under Louisiana’s 205-year-old Crime Against Nature statute, a blatantly discriminatory law that legislators have maneuvered to keep on the state’s books for the purpose of turning sex workers into felons. As enforced, the law specifically singles out oral and anal sex for greater punishment for those arrested for prostitution, including requiring those convicted to register as sex offenders in a public database. Advocates say the law has further isolated poor women of color in particular, including those who are forced to trade sex for food or a place to sleep at night.

In 2003, the Supreme Court outlawed sodomy laws with its decision in *Lawrence v. Texas*. That ruling should have invalidated Louisiana’s law entirely. Instead, the state has chosen to only enforce the portion of the law that concerns “solicitation” of a crime against nature. The decision on whether to charge accused sex workers with a felony instead of Louisiana’s misdemeanor prostitution law is left entirely in the hands of police and prosecutors. “This leaves the door wide open to discriminatory enforcement targeting poor black women, transgender women, and gay men for a charge that carries much harsher penalties,” says police misconduct attorney and organizer Andrea J. Ritchie, a co-counsel in a new federal lawsuit challenging the statute.

Last month, attorneys from New Orleans-based and national organizations brought a federal civil rights complaint against the law and advocates express hope that this legal challenge will finally put this official discrimination to an end.

### **Racial Discrimination in Registries**

A media-fueled national panic about child molesters has brought sex offender registries to every state. But advocates warn that, across the U.S., these registries have been used disproportionately against African Americans and other communities of color, and are often used for purposes outside of their original intent. “All you have to do is look at the pictures on the registries,” says Paul Shannon of the Reform Sex Offender Laws Project. “You can’t help but be struck by the percentage of black men.”

Because each registry is set up in different ways and most do not keep statistics on racial demographics, national comparisons are hard to come by. However, evidence suggests that racial disparities exist across the U.S. In Cook County, Illinois, for example, African Americans are about 26 percent of the population, but 57 percent of those on the sex offender registry, while in North Dakota, an African American is almost 15 times more likely to be on the registry than a white resident. In 2006, the New York Civil Liberties Union found that African Americans were up to six times more likely to be on the registry in that state, noting that in Suffolk County, African Americans represent under 7 percent of the population and 42 percent of the county’s “level 3” sex offenders.

Louisiana, however, is the only state in the U.S. that requires people who have been convicted of crimes that do not involve minors or sexual violence to register as sex offenders.

In 1994, Congress passed Megan’s Law, also known as the Wetterling Act, which mandated that states create systems for registering sex offenders. The act was amended in 1996 to require public disclosure of the names on the registries and again in 2006 to require sex offenders stay in the public registry for at least 15 years.

Megan’s Law was clearly not targeted at prostitution. However, Louisiana lawmakers opted to apply the registry to the crimes against nature statute as well, and at that moment started down the path to a new



level of punishment for sex work. “This archaic law is being used to mark people with modern day scarlet letter,” says attorney Alexis Agathocleus of the Center for Constitutional Rights, another party in the lawsuit. “Inclusion on the sex offender registry violates basic constitutional equal protection principles and constitutes cruel and unusual punishment.”

### **Punishing Women**

People convicted under the Louisiana law must carry a state ID with the words “sex offender” printed below their name. If they have to evacuate because of a hurricane, they must stay in a special shelter for sex offenders that has no separate facilities for men and women. They have to pay a \$60 annual registration fee, in addition to \$250 to \$750 to print and mail postcards to their neighbors every time they move. The post cards must show their names and addresses, and often they are required to include a photo. Failing to register and pay the fees, a separate crime, can carry penalties of up to 10 years in prison.

Women and men on the registry will also find their names, addresses, and convictions printed in the newspaper and published in an online sex offender database. The same information is also displayed at public sites like schools and community centers. Women—including one mother of three—have complained that because of their appearance on the registry, they have had men come to their homes demanding sex. A plaintiff in the suit had rocks thrown at her by neighbors. “This has forced me to live in poverty, be on food stamps and welfare,” explains a man who was on the list. “I’ve never done that before.”

In Orleans Parish, 292 people are on the registry for selling sex, versus 85 people convicted of forcible rape and 78 convicted of “indecent behavior with juveniles.” Almost 40 percent of those registered in Orleans Parish are there solely because they were accused of offering anal or oral sex for money. Seventy-five percent of those on the database for Crime Against Nature are women, and 80 percent are African American. Evidence gathered by advocates suggests a majority are poor or indigent.

Legal advocates credit on-the-ground organizing and the advocacy of the group Women With A Vision (WWAV) for making them aware of this discriminatory law. WWAV, a 20-year-old New Orleans-based organization, provides health care and other services

to women involved in survival sex work. “Many of these women are survivors of rape and domestic violence themselves,” says WWAV executive director Deon Haywood. “Yet they are being treated as predators.”

### **Plaintiffs Tell Their Stories**

Ian, a plaintiff in the legal challenge to the Crime Against Nature statute, was homeless from the age of 13, and began trading sex for survival. When an undercover officer approached him and asked him for sex, Ian asked for money. “All I said was \$50,” he says, “And they put me away for four years.”

In prison, Ian was raped by a correction officer and by other prisoners, and like Eve, he contracted HIV. Now, he says, potential employers see the words “sex offender” written on his ID and no one will hire him. “Do I deserve to be punished any more than I’ve already been punished?” he asks. “I was 13 years old. That’s the only way I knew how to survive.”

The Louisiana legislature recently passed a reform of the Crime Against Nature statute, but for the vast majority of those affected, the change makes little to no difference. Although the new law takes away the registration component for a first conviction, a second conviction requires 15 years on the registry, and up to five years imprisonment. A third conviction mandates a lifetime on the registry. More than 538 men and women remain on the registry because they were convicted of offering anal or oral sex, with more added almost every day.

The lawsuit, called *Doe v. Jindal*, has been filed in Louisiana’s US District Court Eastern District on behalf of nine anonymous plaintiffs. It was filed by the Center for Constitutional Rights, attorney Andrea J. Ritchie, and the Law Clinic at Loyola University New Orleans College of Law. The anonymous plaintiffs include a grandmother, a mother of four, three transgender women, and a man, all of whom have been required to register as sex offenders from 15 years to life as a result of their convictions for the solicitation of oral sex for money.

By Jordan Flaherty, author of *Floodlines: Stories of Community and Resistance from Katrina to the Jena Six*.

From: [www.colorlines.com](http://www.colorlines.com).

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## **EDITORIAL**

### **Time Runs Out For St. Bernard Parish**

It has taken far too long, but the Department of Housing and Urban Development has finally intervened in an outrageous case of housing discrimination by the government of St. Bernard Parish, an overwhelmingly white district adjacent to New Orleans.

Since 2006, in defiance of the Fair Housing Act and several federal court orders, the local government has restricted construction of affordable housing developments with the clear intent of keeping African-American residents out of the district. HUD has now threatened to strip the parish of \$91 million in federal aid unless it repeals discriminatory ordinances and complies with the law.

The restrictive ordinances were only the latest in a series of creative exclusionary strategies. Shortly after Hurricane Katrina, for instance, the parish approved an ordinance prohibiting property owners from renting to people who were not family members or related by blood. Since 93 percent of the homeowners are white, the provision was clearly aimed at African American residents in adjacent New Orleans that suffered the worst damage from the flood.

A lawsuit from the Greater New Orleans Fair Housing Action Center forced the parish to repeal the “blood relative” ordinance, but other measures swiftly followed, all designed to keep the district as white as possible. In 2007, the parish council barred property owners from leasing or lending single-family properties in large sections of the district to anyone. In 2008, the parish imposed a one-year moratorium on multifamily units, essentially stopping construction.

After a federal court declared the moratorium illegal, officials passed a nearly identical measure requiring a public vote on multifamily dwellings of more than six units. Repeated maneuvers like this have finally exhausted the federal government’s patience.

The parish has promised to repeal its discriminatory ordinances at a meeting scheduled for April 5. Federal officials should stand ready to revoke financing at the first sign of backsliding.

~From the editors of the *New York Times*.

# Newsletter of the BRCHR

## Baton Rouge Council on Human Relations

Paul Y. Burns, Assistant Editor

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### 1 in 7 Face Potential Food Hardship in Baton Rouge

About 15 percent of the people living in East Baton Rouge Parish aren't always sure where their next meal will come from, a condition called food insecurity, according to a new report from Feeding America titled "Map the Meal Gap." It's a situation that people in this category might have to deal with a couple of times a year, or perhaps even every month, said Mike Manning, president and CEO of the Greater Baton Rouge Food Bank. The problem occurs anytime there's a gap between the amount of money a person has and the amount of food he or she needs.

Of the 15 percent of East Baton Rouge Parish's population uncertain about their next meal, about 64,200 people, 37 percent earn too much money to qualify for food assistance programs, but still find themselves being food insecure. For example, he said, to qualify for federal nutrition assistance, a family of four has to make \$29,055 or less a year, but with earnings of \$29,060, or just \$5 more a year, it won't qualify.

"We don't think about those people as being food insecure," Manning said. "Those people are right on the borderline." That high number of food-insecure people living above the assistance line in Baton Rouge was surprising, Manning said. "We tend to focus on the poorest of the poor," Manning said, "and forget about the people above the poverty level who are having to do without."

The food bank provides onetime emergency assistance to anyone in need, helping them get over a temporary problem in their lives, Manning said.

However, there is very little—other than faith-based organizations—on hand and ready to help people living above the poverty line. Reading "Map the Meal Gap," Manning said, "had me revisit the fact that there's a bigger issue than just (helping) the poorest of the poor."

From the *Baton Rouge Advocate*.

### Southern University Civil Rights Commemoration Project Planned

Plans were recently unveiled for a Southern University Civil Rights Commemoration. The multifaceted program will involve SU alumni, as well as current faculty and administrators. The purpose of the program is: "(1) to share with the public, especially young people, the stories of Southern University activism and engagement in social and political issues of the Civil Rights Movement; (2) to motivate and encourage young people to engage in the work of determining how they may use their power to make a difference in the betterment of their lives, the lives of their families and communities, and in the country and the world." The program will include the collecting of oral histories, the development of a comprehensive website, and several days of commemorative programming on the SU campus.

The first phase of the project is a grassroots documentation campaign, which will collect video recordings of Civil Rights Movement participants telling their stories. The first session of interviews was conducted on March 10 and included several BRCHR members; James Cross, Thelma Deamer, Rogers Newman, and Mercedes Broussard. Future interview sessions are currently being scheduled. Anyone interested in participating should contact one of the commemoration outreach committee co-chairs: Marjorie Green (225 356-3059) or Carolyn Collins (ccolli1@lsu.edu).

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**[www.brchr.org](http://www.brchr.org)**

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