

City marshal denies request for emails (<http://theind.com/articles.sec-75-1-INDReporter.html>)

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Screen shot of Leger's endorsement ad
Leger for Sheriff

City Marshal Brian Pope has formally denied The IND's public records request seeking release of emails we believe were exchanged between himself and Chad Leger's campaign using Pope's official @lafayettela.gov email address.

Pope held an Oct. 7 press conference at the marshal's office to notify the public of [this video \(https://www.youtube.com/watch?v=a9BGBnD7qBc\)](https://www.youtube.com/watch?v=a9BGBnD7qBc) of candidate Mark Garber talking to a Honduran television reporter about immigration policy and worker's rights. Pope claimed in the presser that the video depicted Garber soliciting business from potential undocumented migrants, and went on to describe a condition of amnesty for criminal immigrants in Lafayette, seemingly unlinked (by way of causation, anyhow) to his claims about Garber. The initial notice was sent using a Campaigner email service often used in political email blasts.

In an email to the Independent, Pope claimed the emails requested were private in nature and thus not public record, despite transmitting them from a public email address that includes the following post-scripted disclaimer. Emphasis added:

*Confidentiality Notice: This e-mail message, including any attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. **Any receipt and/or response to this email may be considered a PUBLIC RECORD.***

Now, we're just simple country journalists, but we're fairly certain Pope doesn't have much of leg to stand on here. Let's not forget that the emails we're seeking concern the planning and orchestration of a press conference which invoked the authority and public duty of Pope's office as city marshal. We, the dotting press, were called to his presence via the following advisory. Once again, emphasis added:

LAFAYETTE CITY-MARSHAL BRIAN POPE TO HOLD PRESS CONFERENCE REGARDING ELECTION FOR SHERIFF OF LAFAYETTE PARISH, AND IMMIGRATION POLICY.

Lafayette City-Marshal Brian Pope will hold a press conference to make a major statement regarding the election for Sheriff of Lafayette Parish, and immigration policy, on Wednesday, October 7th, at 10:30 AM.

The Marshal will issue a statement and provide supporting materials to attendees.

The press conference will be held at the City Marshal's Office at 811 Lee Street, Lafayette, Louisiana.

TL;DR/In short/Let me Google that for you: Public official has official announcement to make from his public office to the public.

Pope's legal claim rests on a 2013 opinion by Attorney General Buddy Caldwell which held that private emails exchanged on public servers are not necessarily subject to public record requests. That legal claim does not excuse Pope, who appears to have formally endorsed Leger (<https://www.facebook.com/legerforsheriff/videos/1635854680018604/>), of the burden of explaining why he used his office account to make private communications. Nor does it readily substantiate that those communications did not concern public or official business, especially considering the advisory and press release pictured below referenced his official contact info. In other words, we don't buy it.

We intend to continue pursuit of these communiques and will keep you updated.

FOR IMMEDIATE RELEASE

October 7, 2015
10:30 AM

FOR MORE INFORMATION CONTACT

Brian Pope, Lafayette City Marshal
(337) 291-8723
bpope@lafayettela.gov

Sheriff Candidate Mark Garber Encouraged Illegal Immigrants to Come to Louisiana.

Lafayette City Marshal Brian Pope Calls on Sheriff Candidate Mark Garber to Repudiate His 'Irresponsible' Statements, Made on Television in Honduras.

Lafayette City Marshal Brian Pope is calling on Sheriff Candidate Mark Garber to repudiate his statements, made in a 2013 interview on Honduras HCH Television, in which Garber encourages illegal immigrants to come to Louisiana, reassuring them that if they are hurt, they can file worker's compensation claims with the help of a "qualified attorney", "without fear of being deported."

Garber is a Worker's Compensation Attorney whose two-man firm specializes in serving Spanish speaking clients.

Pope is concerned about the increasing difficulty of dealing with illegal immigrants who commit crimes in Lafayette Parish, and current Sheriff Department policies that prevent making arrests.

In 2013, Garber traveled to Honduras to "get the word out" that illegals can safely come to Louisiana, file claims against local businesses for work injuries, and not worry about being deported.

"Making your living as a Workmen's Compensation lawyer who specializes in Spanish speaking clients is one thing, but to actually travel to Central America and do a television interview to "get the word out" that illegal immigrants can come to Louisiana, and file worker's compensation claims without fear of being deported is entirely another. It's irresponsible" said Lafayette City Marshal Brian Pope.

"Imagine. A candidate for Sheriff of Lafayette Parish, actually filing worker's compensation claims for illegal immigrants, while protecting them from deportation. That's just shocking." Pope said. "Flying to Honduras to drum up business? Disgusting." Pope continued.

"We already have a serious challenge in that the current Sheriff refuses to let the Marshal's office arrest illegal immigrants accused of misdemeanor crimes or to track them. We have over 1,000 open warrants and pending charges that we are prevented from addressing.

It's obvious that Mr. Garber, if elected, would not only continue this policy, but if his statements are any indication – would expand it to the point of making Lafayette Parish a de facto "sanctuary" for illegal immigrants. We just can't let that happen" Pope concluded.

A video of the Garber interview is available on YouTube at this link:

[Garber TV Interview on Hable Como Hable \(HCH\) Honduras](#)

See transcript of Interview, below:

TRANSCRIPT

Mark Garber interviewed on Honduras HCH TV, February 22, 2013.

Transcript of Interview (emphasis added)

Q: En Espanol. *off Cam*

Garber A: "United States Immigration law is in a state of change, and it has nothing to do with your rights as an injured worker."

Q: En Espanol.

Garber A: "As a human being, you have rights according to our Constitution, and those rights are your rights in the State of Louisiana."

Q: En Espanol. *How have you / immigrants have not noticed?*

Garber A: "That's what I'm here trying to do, is to get the word out and tell people -- you need to seek help of an Attorney if you're hurt at work and seek it very very quickly. Because they have rights and most people don't realize they have rights."

Q: En Espanol. *What msg do you have for the fathers and mothers of Honduras children who have suffered an accident or incident in a lg country*

Garber A: "Number one: Truthfully report the accident to the doctors at the hospital."

Q: En Espanol.

Garber A: "Number two: Call an Attorney, a qualified Attorney who will assist you with your work injury rights."

Q: En Espanol.

Garber A: "Number three: No use illegal drugs, and don't be afraid of being deported."

Q: En Espanol.

Garber A: "You will not be deported because you assert your rights under Workmen's Compensation law."

We want to hear from you.
Click here to send a letter to the editor.

([https://clicking.wehaaserver.com/?keyplane=WoinxwAOR%2FJV62or2IZZY7EIH2n00zb\)AUO1%2FGHs556E0Xm27mbIQ%2FiSSvEpsIhfifEwdLJXQzCHc%2FIX2wSninShpcztOy\)XjtQ\)EwCmSRg%3D](https://clicking.wehaaserver.com/?keyplane=WoinxwAOR%2FJV62or2IZZY7EIH2n00zb)AUO1%2FGHs556E0Xm27mbIQ%2FiSSvEpsIhfifEwdLJXQzCHc%2FIX2wSninShpcztOy)XjtQ)EwCmSRg%3D))



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