

EAST BATON ROUGE PARISH C-672676  
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Deputy Clerk of Court

LOUISIANA STATE TROOPERS  
ASSOCIATION, JAMES O'QUINN,  
ET AL

NUMBER:

SECTION:

19TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF EAST BATON ROUGE

STATE POLICE COMMISSION

STATE OF LOUISIANA

PETITION

The petition of:

- a. The Louisiana State Troopers Association (LSTA), an incorporated non-profit association, domiciled in East Baton Rouge Parish appearing herein and represented by its President, James O'Quinn;
- b. James O'Quinn, a resident of the full age of majority of the Parish of St. Tammany, State of Louisiana and a classified employee with permanent status of the Louisiana State Police, a member and a member of the Board of Directors of the Louisiana State Troopers Association;
- c. Derek Sentino, a resident of the full age of majority of the Parish of East Baton Rouge, State of Louisiana and a classified employee with permanent status of the Louisiana State Police, a member and a member of the Board of Directors of the Louisiana State Troopers Association;
- d. Brett Travis, a resident of the full age of majority of the Parish of Calcasieu, State of Louisiana and a classified employee with permanent status of the Louisiana State Police, a member and a member of the Board of Directors of the Louisiana State Troopers Association;
- e. Chris Wright, a resident of the full age of majority of the Parish of Vernon, State of Louisiana and a classified employee with permanent status of the Louisiana State Police, a member and a member of the Board of Directors of the Louisiana State Troopers Association;
- f. Larry Badeaux, Jr., a resident of the full age of majority of the Parish of Lafourche, State of Louisiana and a classified employee with permanent status of the Louisiana State Police, a member and a member of the Board of Directors of the Louisiana State Troopers Association;
- g. Robert Mire, a resident of the full age of majority of the Parish of Orleans, State of Louisiana and a classified employee with permanent status of the Louisiana State Police, a member and a member of the Board of Directors of the Louisiana State Troopers Association;
- h. Rodney Hyatt, a resident of the full age of majority of the Parish of Ascension, State of Louisiana and a classified employee with permanent status of the Louisiana State Police, a member and a member of the Board of Directors of the Louisiana State Troopers Association;
- i. John Heath Miller, a resident of the full age of majority of the Parish of St. Tammany State of Louisiana and a classified employee with permanent status of the Louisiana State Police, a member and a member of the Board of Directors of the Louisiana State Troopers Association;

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- j. Hackley E. Willis, Jr., a resident of the full age of majority of the Parish of Bossier, State of Louisiana and a classified employee with permanent status of the Louisiana State Police, a member and a member of the Board of Directors of the Louisiana State Troopers Association;
- k. Andy Stephenson, a resident of the full age of majority of the Parish of Ouachita, State of Louisiana and a classified employee with permanent status of the Louisiana State Police, a member and a member of the Board of Directors of the Louisiana State Troopers Association;
- l. Dale Latham, a resident of the full age of majority of the Parish of Lafayette, State of Louisiana and a classified employee with permanent status of the Louisiana State Police, a member and a member of the Board of Directors of the Louisiana State Troopers Association;
- m. John M. Trahan, a resident of the full age of majority of the Parish of Lafayette, State of Louisiana and a classified employee with permanent status of the Louisiana State Police and a member of the Louisiana State Troopers Association;
- n. Mike Neal, a resident of the full age of majority of the Parish of Tangipahoa, State of Louisiana and a classified employee with permanent status of the Louisiana State Police and a member of the Louisiana State Troopers Association;
- o. Chase Huval, a resident of the full age of majority of the Parish of East Baton Rouge, State of Louisiana and a classified employee with permanent status of the Louisiana State Police and a member of the Louisiana State Troopers Association;

with respect represent:

1.

Made defendant is the State Police Commission, which was established by Article 10, §43 of the Constitution of the State of Louisiana, and is domiciled in the Parish of East Baton Rouge, State of Louisiana and may be served through its Executive Director, Jason Hannaman.

2.

The Louisiana State Troopers Association is a labor organization organized pursuant to §501(c) 5 of the Internal Revenue Code and represents approximately ninety-seven (97) percent of commissioned and classified Louisiana State Troopers as well as a substantial portion of State Police Retirees.

3.

The Louisiana State Troopers Association exists for the purposes of advocating on behalf of its members for improved pay and benefits, for a better working environment, supporting and improving the quality of life of its members and their families and to enhance the public services provided by its members to the communities throughout this State.



4.

Article 10, §47(A) of the Louisiana Constitution prohibits state police officers in the classified service from participating in "political activity":

"No member of the Commission and no state police officer in the classified service shall participate or engage in political activity; be a candidate for nomination or election to public office except to seek election as the classified state police officer serving on the State Police Commission; or be a member of any national, state, or local committee of a political party or faction; make or solicit contributions for any political party, faction, or candidate; or take active part in the management of the affairs of a political party, faction, candidate, or any political campaign, except to exercise his right as a citizen to express his opinion privately, to serve as a commissioner or official watcher at the polls, and to cast his vote as he desires."

5.

Article 10, §47(C) of the Louisiana Constitution defines "political activity":

"(C) As used in this part "political activity" means an effort to support or oppose the election of a candidate for political office or to support a particular political party in an election. The support or opposition of a candidate seeking election as the classified state police officer member of the State Police Commission, issues involving bonded indebtedness, tax referenda, or constitutional amendments shall not be prohibited."

6.

The State Police Commission has rule-making authority pursuant to Article 10, §48 of the Constitution. Article 10, §48(3) limits that rule-making authority and provides, in pertinent part:

"...No rule, regulation, or practice of the commission, of any agency or department, or of any official of the State, shall favor or discriminate against any applicant or employee because of his membership or nonmembership in any private organization; but this shall not prohibit the Department of Public Safety and Corrections, office of state police, or its successor, from contracting with an employee organization with respect to wages, hours, grievances, working conditions, or other conditions of employment in a manner not inconsistent with this constitution, law, or a valid rule or regulation of the commission."

7.

Article 10, §48(3) of the Constitution recognizes public employees right to be a member of a labor organization.

8.

Currently, State Police Commission Rule 14.2(a)(1) reads:

"(a) Except as provided in subsection (b) (below), no member of the State Police Commission and no classified member of the State Police Service shall:

1. Participate or engage in political activity, including, but not

limited to, any effort to support or oppose the election of a candidate for political office or support or oppose a particular political party in an election;"

9.

At its general business meeting held on February 8, 2018, the State Police Commission had on its agenda a proposed amendment to State Police Commission Rule 14.2(a)(1) to have same read as follows:

"(a) Except as provided in subsection (b) below, no member of the State Police Commission and no classified member of the State Police Service shall:

1. Participate or engage in political activity, including but not limited to **endorsing any candidate** or any **other** effort to support or oppose the election of a candidate for political office or support or oppose a particular political party in an election;"

and to **add** new subsections 9 and 10 to Rule 14.2(a) to provide additional prohibitions against membership and management of private associations:

"(9) Be a member of an association, charity, or organization in which a majority of its membership is composed of active or retired classified members of State Police Service that engages in any activities prohibited by this Rule.

(10) Serve on the board or management team of an association, charity, or organization in which a majority of its membership is composed of active or retired classified members of State Police Service that engages in any activities prohibited by this Rule."

10.

Due primarily to the advocacy and opposition of the Louisiana State Troopers Association which demonstrated to the State Police Commission that the proposed amendments to State Police Commission Rule 14.2 were unconstitutional, the Commission tabled consideration of the proposed amendments.

11.

Louisiana jurisprudence recognizes public employees right to join a labor organization and the right of labor organizations such as the Louisiana Troopers Association to engage in political activity. For example in *Cannatella v. Department of Civil Service*, 592 So.2d 1374 (La. App. 4<sup>th</sup> Cir. 1992), writ denied, 596 So.2d 215 (La. 1992), the Court held that Article X, §9(A) of the Louisiana Constitution regulating political activity of members of the City of New Orleans Civil Service, does not apply to a labor organization which is **distinct** and **distinguishable** from its members and the endorsement of a candidate by a labor organization is not a personal endorsement by a member. See also: *Lake Charles Police Officers Association Local 830 AFL-CIO v. Roach*, 211 So. 3<sup>rd</sup> 1173 (3<sup>rd</sup> Cir. 2017) concluding that labor organizations are entitled to the First Amendment protection guaranteeing Freedom of Expression.



12.

Federal jurisprudence recognizes that the First Amendment to the United States Constitution guarantee of Freedom of Association protects public employees right to organize, solicit members for, and belong to labor organizations. In *Citizens United v. Federal Elections Commission*, 558 U.S. 310, 130 S. Ct. 876 (2010) the Supreme Court ruled that unions, other associations, for profit and non-profit corporations are "persons" covered by the First Amendment. The U.S. Supreme Court has held that the First Amendment protects **political association** as well as **political expression**. *Buckley v. Valeo* 96 S. Ct. 612, 424 U.S. 479 (1960), a recent U.S. District Court case out of the Eastern District of Texas found that a police officer's termination, because of his affiliation with the Corinth Police Officers Association violated his First Amendment Right of Association. *Mote v. Walthall*, C.A. 4:16-CV-00203 (2017).

13.

Nevertheless, the State Police Commission acting through its Executive Director, Jason Hannaman, on April 12, 2018 issued General Circular No. 191 purporting to "clarify" what constitutes prohibited "political activity" by issuing the following Notification sent to all classified employees of the Louisiana State Police:

"You may:.....

d. Be a member of a private organization that may, under certain circumstances, endorse a candidate for public office, so long as the primary purpose of the organization is not the support or opposition of candidates, political parties, or factions. ***However, when the organization does support or oppose a candidate, party, or faction, you may not take an active part in the management of the affairs of the organization-even in matters not related to that support or opposition.***"

14.

This highlighted provisions of General Circular 191 and the proposed amendments to Rule 14(a) are patently unconstitutional in violation of Article 10, §48(3) and the First Amendment guarantees of Freedom of Association and Freedom of Expression.

15.

General Circular 191, if enforced, and the proposed amendments to Rule 14(A) would preclude classified state policemen from being a member of the Louisiana State Troopers Association and from being involved in the management of that association even in matters not related to any political support or opposition and could subject such Troopers to discipline, including possible termination.

16.

The Louisiana State Troopers Association has a constitutionally protected right to support or oppose political candidates, parties or factions. The constitutional prohibitions against political activity do not apply to the Louisiana State Troopers Association. The Louisiana Constitution prohibits the Commission from favoring or discriminating against any employee because of his membership or non-membership in a private organization. The proposed amendments to Rule 14.2 do just that.

17.

The highlighted portion of General Circular 191 set forth in Paragraph 13 above is also patently unconstitutional. The State Police Commission cannot prohibit classified state employees of the State Police from participating in the management of the Louisiana State Troopers Association when and if the Louisiana State Troopers Association exercises its constitutional right to engage in political activity.

18.

On information and belief, General Circular 191 was issued without a vote of the State Police Commission and approval of such action was not on any Commission Agenda during 2018.

19.

Petitioners seek a declaratory judgment that the proposed amendments to Rule 14.2 and the threats in General Circular 191 are an unconstitutional restraint of the freedoms and protections afforded to plaintiffs, are null, void and unenforceable to the extent that they prohibit any classified member of the State Police from being



a member or taking an active part in the management of the Louisiana State Troopers Association should the Louisiana State Troopers Association exercise its constitutional right to engage in political activity. The proposed Amendments and General Circular 191 would limit the effectiveness of the Louisiana State Troopers Association to pursue its purposes. The proposed amendments are a bold and blatant violation of Article X § 48(3).

20.

The proposed amendments and the enforcement of General Circular 191 would, over time, result in the demise of the Louisiana State Troopers Association and adversely affect its purpose for existence.

21.

The constitutionality of the proposed amendments to Rule 14.2 and the published interpretation/threats in General Circular 191 by the State Police Commission through Jason Hannaman, its Executive Director, are being challenged and according to C.C.P. art. 1880 the Louisiana Attorney General shall be served with a copy of the suit and be entitled to be heard. The Louisiana Attorney General's Office is domiciled in East Baton Rouge Parish, Louisiana.

22.

Due to his publication of General Circular 191 and his advocacy of the proposed amendments to Rule 14.2, Jason Hannaman, a resident of the age of majority of the Parish of East Baton Rouge is made a party hereto so that he may be heard.

**WHEREFORE**, petitioners pray that:

(1) A certified copy of this Petition, together with citation to appear herein and answer same be served upon the Louisiana State Police Commission;

(2) That this Honorable Court declare unconstitutional the State Police Commission's proposed amendments to Rule 14.2 which prohibit membership or serving on the Board or management team of the Louisiana State Troopers Association and its publication/implementation/enforcement of General Circular 191 to the extent that it prohibits classified state employees of the State Police from being on the Board or participating in the management of the Louisiana State Troopers Association should the Louisiana State Troopers Association elect to endorse a candidate or otherwise support or oppose a candidate for political office.

(3) That the Louisiana Attorney General, Jeff Landry, be served with a copy of this request for declaratory judgment and be entitled to be heard.

(4) That Jason Hannaman be served with a copy of the request for declaratory judgment and be entitled to be heard.

(5) After due proceedings had the Court render judgment declaring that the proposed Amendment to Rule 14.2 and the publication, implementation and enforcement of General Circular 191 are unconstitutional, null, void and unenforceable to the extent that they prohibit petitioners and any member of the classified State Police from taking an active part in the management of the Louisiana State Troopers Association should the Louisiana State Troopers Association exercise its constitutional right to engage in political activity. The proposed amendments to Rule 14.2 are further unconstitutional as prohibiting classified employees of the State Police from being members of or serving on the Board or management team of the Louisiana State Troopers Association.

(6) That Defendants be cast for all cost and reasonable attorney fees herein. Petitioners further pray for full, general and equitable relief in the premises.

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**PLEASE SERVE:**

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through its Executive Director,  
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5825 Florida Boulevard, Suite 1180  
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