

J. Michael Johnson
Senior Legal Counsel



November 7, 2008

Via E-mail and U.S. Mail

Hon. Charles Caillouet
Mayor, City of Thibodaux
P.O. Box 5418
Thibodaux, Louisiana 70302

RE: "Thibodeauxville" Fall Festival

Dear Mayor Caillouet,

This letter is being submitted to you by the Alliance Defense Fund ("ADF") to express our support and encouragement of your community's "Thibodeauxville" Fall Festival this weekend, as originally planned by the Thibodaux Chamber of Commerce. We have received and reviewed a copy of a letter dated October 31, 2008, in which the American Civil Liberties Union of Louisiana ("ACLU") made an extraordinary demand that the participation of Christian music groups and performers must be prohibited from the festival. We write to assure you that such measures are unnecessary and inadvisable.

By way of introduction, ADF is a national, not-for-profit legal alliance of more than 1,200 attorneys defending the right of people to freely live out their faith, through strategy, training, funding and direct litigation. Our organization exists to educate the public and the government about important constitutional rights, and to vigorously defend those rights, particularly the freedom of religious expression. When necessary, we litigate these issues, and have frequently been called upon to help defend public officials in this arena.

In this matter, you are on solid legal ground. Because, as you have publicly stated, the City of Thibodaux has no role in the "Thibodeauxville" Fall Festival other than allowing the use of its streets like any other community event, and contributes no funding to the privately-supported festival, the First Amendment's Establishment Clause is not implicated. There is certainly no legal concern with the festival's live musical entertainment, which is provided free of charge by a variety of local and regional artists.

Contrary to the contentions of the ACLU, Christian artists and performers have the same rights of access and participation at the festival as anyone else, and cannot and should not be treated as second-class citizens. Of course, their music and their messages are fully protected under the Free Speech and Free Exercise Clauses of the First Amendment, regardless of whether the ACLU may be offended by them.

We hope that this letter will encourage you to ignore the unfounded demands of the ACLU. If ADF can provide you with any further information or assistance, or if you receive any threat of litigation to which we may be able to help you respond, please do not hesitate to contact us. As a not-for-profit public interest law firm, our services are always provided *pro bono*.

We thank you for your attention to this matter and your dedicated public service.

Very sincerely yours,

ALLIANCE DEFENSE FUND



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JMJ/pg

cc: Kathy B. Benoit, President/CEO, Thibodaux Chamber of Commerce
Germaine Jackson, Thibodaux City Attorney