



Central School Board Enforcing Universal Masking in Schools

Board Accepts \$6.1 Million

Federal Funds Tied To Promoting Masking Accepted for 2021-22 By School Board Here

Woody Jenkins
 Editor

CENTRAL — The Central Community School Board has voted unanimously to accept \$6.1 million in federal funds under the so-called ESSER program (Elementary & Secondary School Emergency Relief Fund).

In order to receive the funds, a local school board must show the efforts if any it is making toward “universal masking.” The Central School Board points out that ESSER does not require masking. Nevertheless, the Central school system reported to the State Department of Education that it is requiring masks, because of the Governor’s “mandate.” Students in Central Community schools are required to mask at all times while indoors.

The question is, if the danger of the pandemic is so great, why are students allowed to congregate closely at Wildcat Stadium and everywhere else outside?

The sums to be sent to Central by the federal government are remarkable. Supt. Jason Fountain describes them as “staggering” and “unprecedented.”

A total of \$6.1 million will be coming. These are dollars paid by the taxpayers of Central and sent to Washington. A small portion is sent back to Central but with “in-

See BOARD on Page 12



Photo by Jolice Provost

Central High students at the Denham Springs game. Students are required to mask eight hours a day at school but then congregate.

The Insanity of Masking Students

School Board Insists On Complying with Governor’s ‘Mandate’ Despite AG Opinion

Woody Jenkins
 Editor

CENTRAL — The Central School Board continues to require students in the Central school system to wear masks throughout the eight-hour school day despite a mountain of reasons not to:

- Masks inhibit breathing and communication.
- Students are not vulnerable to Covid. Only 16 students in Louisiana out of 700,000 school children have died of Covid and almost all had co-morbidities.
- Masks are ineffective in stopping the spread. The virus is 1/4th the size of smoke and passes right through the mask.
- Eyes provide an entry point for Covid, and masks do nothing to stop that.
- Masks hold germs and waste and are easily contaminated.
- Healthcare professionals report serious problems from prolonged mask wearing, including headaches, skin disintegration, disorientation, and cognitive problems.

State GOP to Focus on School Boards

BATON ROUGE — The Republican Party of Louisiana will focus its efforts in 2022 on electing new school board members across the state, according to State GOP chairman Louis Gurvich. The party plans to field at least 200 candidates in more than 700 school board races. The focus will be

replacing members, regardless of party, who support mandatory masking of students, mandatory vaccines, rolling forward property taxes, and Critical Race Theory. More than 60 attended a planning meeting Monday at the Baton Rouge Hilton, the first in a series of regional meetings.



HISTORIC CENTRAL CHEERLEADER UNIFORMS — The 2021-2022 Central High School varsity cheerleaders pose with Willie the Wildcat. Each girl wore an historic Central cheerleader uniform worn by Central cheerleaders from years past.

2021 Central Wildcat Football

Watch LIVE from Wildcat Stadium 7 p.m. Fridays At Central City News on Facebook • Play-by-Play by Ken Bush



Central - 7
U-High - 36
14K Views



Central - 40
Tara High - 6
10K Views



Central - 48
Belair - 0
10K Views



Central - 34
Northwood - 26
9.1K Views



Central - 56
S. Lafourche - 21
8K Views



Central - 34
Denham - 7
11.7K Views



Central - 26
Scotlandville - 37
TBA Views



Central vs
Walker
Oct. 22



Central vs
Zachary
Oct. 29



Central vs
Live Oak
Nov. 5



Estimated
10,000 to
15,000
Viewers
Each
Week



Play-by-Play
by Ken Bush



Central Mayor
David Barrow

Central City News

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Kimberly POWERS
Central School Board • District 4
Special Election • Oct. 9, 2021
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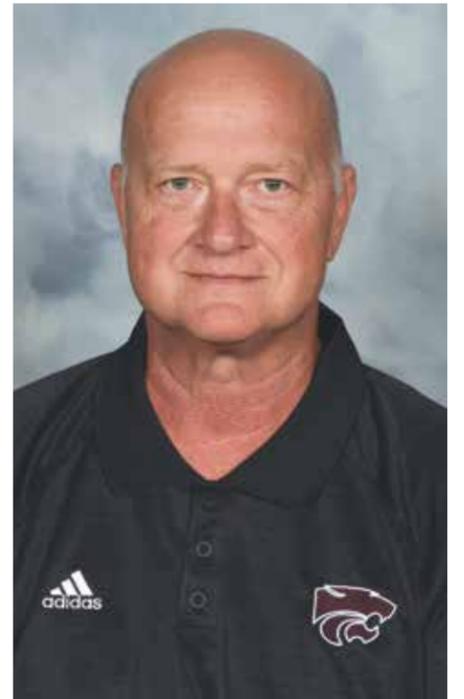
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2021 Central Wildcat Football Team

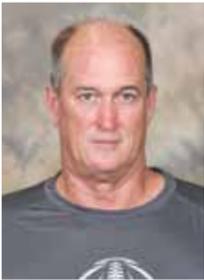


Central High School's 2021 Varsity Football Team, Coaching Staff and Athletic Trainers

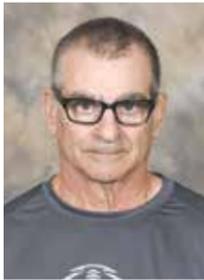


Central Head Coach Sid Edwards

Central High School 2021 Football Coaching Staff



Mark Carroll
Fr Def Coordinator



Carl Dijohn
Offensive Line



Hunter Edgens
Tight Ends



Frank Fresina
Defensive Line



Kobie Griffin
Running Backs



Ken Hilton
Defensive Coordinator



Justin Hutchinson
LB & Special Teams



Joey Jarreau
Defensive Line

Meet More Members of Central Coaching Staff and Players on Pages 18-19

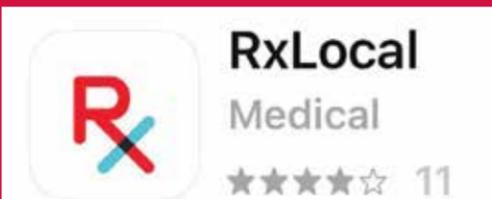
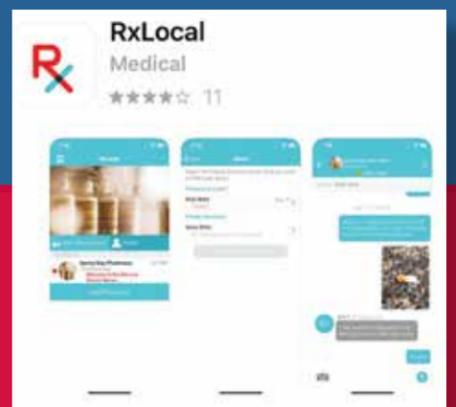
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BREACH OF TRUST

In March 2016, the Central Community School System ran this ad in the Central City News, promising that if we voted for the tax renewal, our taxes would NOT go up!

However, shortly after Mr. Phil Graham replaced Mr. Will Easley on the school board in February 2021, Mr. Phil fought for and passed rolling forward this tax by \$3,750,000 — a huge tax increase without a vote of the people! It takes effect Jan. 1, 2022.

10 CITY NEWS Thursday, March 3, 2016

ELECTION MARCH 5

CENTRAL SCHOOLS FUNDING RENEWAL

Maintaining a Strong Foundation for Learning

The Central Community School System is seeking the renewal of a 10-year, 32.50-mill property tax dedicated to funding the general operations and maintenance of the school system.

This funding represents a large percentage of the district's revenue.

***** THIS IS NOT A NEW TAX *****

It will NOT increase the amount of annual taxes currently being paid.

VOTE

MARCH

5

SATURDAY

The Central Community School System is asking voters to renew local funding for the general operations and maintenance of the school system in order to maintain a strong financial foundation.

Central voters will vote on the renewal of a 10-year, 32.50-mill property tax on March 5. It is NOT a new tax, and it will NOT increase the amount of taxes paid each year.

Central voters voted to raise the millage rate to 32.50 mills in 2007 to pay for the school district's general operations and maintenance. Since that time, the school board has lowered the millage rate to 32.50 to account for business and residential growth in the district. The board is seeking a renewal of the lowered millage rate.

The dedicated 32.50 mills currently generate \$4.37 million each year, which accounts for nearly half of all local funding given to the school district.

- ✓ Central is an "A" School District and ranks #5 in the state with a 104.4 District Performance Score.
- ✓ The most recent state report shows Central's students recorded the 2nd highest overall scores on the state's accountability tests.
- ✓ Central has been among the state's top performing districts since the Louisiana Department of Education first awarded accountability scores to the district in 2009.

Provided as a public service by the Central Community School System, 12636 Sullivan Road, Central, LA 70818

Paid for by Kim Powers for School Board

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The Leader was founded April 30, 1998. The Central City News was founded April 21, 2005. They merged May 4, 2006. The South Baton Rouge Journal began publication in 1989. It went on hiatus in 2008 during its 20th year of publication. It resumed publication as the Capital City News on Aug. 16, 2012, with Vol. 21, No. 1. The North Baton Rouge Journal began on August 11, 1966 and went on hiatus in 1976. It resumed publication as the Istrouma Journal on April 6, 2017.

Editor & Publisher: **Woody Jenkins**
 Advertising Manager: **Kim Powers**

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NAMED ALL-AMERICAN — Le'Veon Moss, Istrouma High School running back, has been named to the High School All American team by UnderAll. He will play in the All-American Bowl early next year. Le'Veon was named to the All State team as a sophomore and a junior. The Istrouma senior has been compared to former Istrouma great Billy Cannon, who was also a High School All American. Cannon went on to LSU, where he led the team to the National Championship and won the Heisman Trophy.

Constitutional Amendments: No. 2 Will Bite You!

Woody Jenkins
 Editor

CENTRAL — Here are our recommendations on the Constitutional Amendments on the election ballot statewide in Louisiana on Saturday, November 13.

CONSTITUTIONAL AMENDMENTS
Saturday, Nov. 13, 2021

No. 1 — Centralized Sales Tax Collection Statewide — All sales taxes would be collected by the State of Louisiana instead of by each parish. It sounds good, but something happened here in Central that makes us question this proposal. Our concern is local governments losing their independence to the State of Louisiana.

Under current law, each parish designates a governmental entity as the sole sales tax collector in the parish. In East Baton Rouge Parish, it is the City-Parish Department of Finance.

Back in 2005, when Central voted to incorporate, a suit was filed to block incorporation. While the case was being decided, City of Central sales taxes were collected by the City-Parish Department of Finance, which was controlled by Mayor-President Kip Holden.

However, Holden told the leaders of the new City of Central he would not transmit tax collections to the new City of Central until all legal appeals on incorporation were resolved. That took three years! During that time, the City Parish kept 90 percent of the taxes rightfully belonging to the City of Central. Central never got those funds back!

What if this constitutional amendment passed and Gov. John Bel Edwards or some future governor decided to do the same thing? If Central didn't follow one of his mandates or do anything else he said, could he withhold Central's sales tax revenue until the city complied? We don't know, but we know what happened from 2005 to 2008! We will vote **NO on Amendment No. 1.**

NO. 2 — Stelly Plan II — This removes your federal income taxes paid as a deduction on your state income tax return. This was done before in 2002. It was the so-called Stelly Plan, which was wildly unpopular and resulted in the defeat of many Louisiana legislators. This time they have it neatly pack-

aged once again as "tax reform." At present, individual Louisiana taxpayers save \$690 million in state income taxes as a result of being able to deduct their federal tax paid from their taxable income for state income tax purposes. The current Louisiana Constitution prevents your income from being taxed twice — once on your income and a second time on the taxes that you paid. If this passes, individual taxpayers will pay a tax on a tax!

It's all very complicated to understand now, but when your tax bill arrives, you will understand it very well! You're going to pay a lot more in state income taxes!

Here's the bait and switch: The constitutional amendment says it gives the legislature the power to repeal the deduction of federal taxes. That makes it sound like maybe they won't! But here's the thing: **The legislature has already passed Act 395 of 2021**, which provides that automatically if the voters pass Amendment No. 2, then Act 395



Woody Jenkins

goes into effect! That act repeals the deduction of federal taxes paid. So they've already got it all figured out! Just like always! If you trust the politicians at the Capitol, go ahead and vote yes. If you don't trust them, better vote **NO**, because this is going to put it to the taxpayers, especially middle income, working families! **NO on Amendment No. 2!**

No. 3 — Taxing Authority of New Levee Districts — This simply gives newly-created levee district the same taxing authority as those previously created. **YES on Amendment No. 3.**

No. 4 — Raid of Dedicated Funds — The governor and the legislature are required by the state constitution to balance the state budget. At present, they can skim 5% off the top of every dedicated fund in the state treasury to balance the budget. This would allow them to skim 10% off the top of each fund. Most dedicated funds should not exist. In a small way, this will allow government to continue without increasing taxes. **YES on Amendment No. 4.**

Here's a brain twister: Despite every manner of propaganda, persuasion, payoff, shaming, threat, **See HONEST on Page 12**

SAMPLE BALLOT
 City of Central

Saturday, Nov. 13, 2021

Endorsements

Central School Board District 4

Phil Graham (R) [✓]
 Kimberly Powers (R) [✓]

Const'l Amendment - No. 1
Statewide Collection of Local Sales Taxes

[] Yes [✓] No

Const'l Amendment - No. 2
Remove Deduction of Federal Taxes Paid on State Tax Return. Large Tax Increase for Most Middle Income Taxpayers

[] Yes [✓] No

Const'l Amendment - No. 3
Allow New Levee District Same Taxing Authority as Old Districts

[✓] Yes [] No

Const'l Amendment - No. 4
Allow 10% of Dedicated Funds to Be Diverted to General Fund

[✓] Yes [] No

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Louisiana Solicitor General Liz Murrill



LOUISIANA SOLICITOR GENERAL Liz Murrill (left) discusses efforts to keep Gov. John Bel Edwards' actions, during the pandemic, within his constitutional and statutory authority. At right, Brandon Gomez, Christy Haik, Katie Alexander, Bert Callais, and Louisiana Sunshine, and Susie Labry, Miss Louisiana Sunshine.



BATON ROUGE CITY COURT JUDGE CANDIDATE Whitney Higginbotham Greene gives an update on her campaign and reminds everyone of the upcoming election November 13 (left). Baton Rouge attorney Jeff Wittenbrink (left/center). Liz Murrill (right/center). Republican parish Chairman, Woody Jenkins (right).

Three-Legged Stool: Legislative, Executive and Judicial Branches

The Three Legs of the Stool, or Why Louisiana Governor Can't Make Law

BATON ROUGE — Article II of the Louisiana Constitution provides that the powers of state government shall be divided into three separate branches — Legislative, Executive, and Judicial. It further provides that no person holding office in any one branch shall exercise power belonging to another branch.

Issues of separation of powers have been in the forefront since Gov. John Bel Edwards issued his first orders under the state's Emergency Powers Act in March 2020. Many of his decrees attempted to — in effect — make laws, in violation of Art. II.

Louisiana Solicitor General Liz Murrill is the state's chief trial attorney. She is appointed by Attorney General Jeff Landry. Ms. Murrill addressed some of the separation of powers issues during her speech at the Ronald Reagan Newsmaker Luncheon on Tuesday, Oct. 12, 2021. Here follow excerpts:

LIZ MURRILL: This leads me to one of the three legs of the stool — the Judiciary. We have filed law suits, defended lawsuits, and filed *amicus* briefs in a number of cases.

The first thing we did on behalf of the Attorney General was file an *amicus* brief in the *Firehouse Barbecue* case and explain to the court how we think this works and how we think the Emergency Powers

Louisiana Constitution • Article II
Section 1. The powers of government of the state are divided into three separate branches: legislative, executive, and judicial.
Section 2. Except as otherwise provided by this constitution, no one of these branches, nor any person holding office in one of them, shall exercise power belonging to either of the others.

Act (La. R.S. 29:724 *et seq.*) works.

If you read the Act as broadly as the Governor interprets it, then it creates a “delegation of powers” problem. What I mean by that is the Louisiana Supreme Court has said the Louisiana Legislature cannot give away its legislative power.

It can say, Louisiana Department of Health, you have authority to do these things and you can implement them by regulation. You have to comply with the Administrative Procedures Act. But if it's too vague and doesn't have enough guardrails on it, then it is an unconstitutional delegation of legislative authority. So it has to have guardrails.

What the governor has said is that the portion of the Emergency Powers Act that allows the legislature to suspend a governor's Emergency Declaration is unconstitutional. Think of it: This passed the legislature two different times and was signed by two different governors. Then he sued the Speaker and the Legislature arguing that it was unconstitutional. We said, “Hold up! You took the same Oath of Office we did. You pledged to uphold the Constitution of the United States and the Constitution of this state. You can't challenge the power of a law that curbs your power and claim you have no curbs on your authority. You're arguing that the law is

unconstitutional makes the whole Emergency Powers Act unconstitutional.”

The Supreme Court in Minnesota took down the whole Emergency Powers Act there because it didn't have a enough guardrails on it. The governor can't interpret that law to say I can do whatever I want and nobody can tell me I can't! There is no scenario where that is constitutional!

We have the same Separation of Powers in our Louisiana Constitution that the federal government has in the U.S. Constitution. In addition, we have Separation of Powers among Executive Branch officials. That's why we in the Attorney General's office don't answer to the governor. We were elected by the people. Jeff Landry was elected by the people as the chief legal officer of the state, and that gives him the independence to issue opinions that may not be what the governor wants them to be. And I think that's a good thing.

It's true for the Treasurer. It's true for the Secretary of State. It's true for BESE. It's true for the LSU Board of Supervisors and the Southern System. They are all constitutionally separate entities in our government. The Civil Service Commission is too.

Ronald Reagan Newsmaker Luncheon
Café Américain • Oct. 12, 2021
Video by Kim Powers • Photos by Jolice Provost
For the Central City News



Special Election for Central School Board Nov. 13

Rep. Valarie Hodges Endorses Kim Powers

Cites Powers' Stand On Taxes, Masking, Mandatory Vaccines, Conservative Values

CENTRAL — In a letter to her constituents this week, State Rep. Valarie Hodges (R-Central) has endorsed Kimberly Powers for Central School Board, District 4 in a special election coming up on Saturday, Nov. 13. Rep. Hodges said:

“Thank you for allowing me to represent you in the Louisiana House of Representatives the past 10 years! All these years, I have been fighting for Christian values in state government and especially in our public schools. The battle has intensified the past two years as the current President and Governor have exceeded their authority under the Constitution and tried to take away so many of our rights and liberties.”

“Today, everything we value is at stake, and we need men and women in government who will stand strong and fight for traditional values. I’m always on the lookout for real leaders who are unafraid — leaders who can be counted on to stand for God and Country, the Constitution, the Bill of Rights, free enterprise, lower taxes, and the rule of law — leaders who can’t be bought off, bullied, or silenced!”

“That’s why I am so excited that my friend Kim Powers is running for the Central School Board from District 4 in the special election on Saturday, Nov. 13. I know Kim personally. Kim stands for the same principles I do, and she is a fearless leader who is willing to stand against the powerful and make our voices heard! Here are examples:

NO TAX INCREASES WITHOUT A VOTE OF PEOPLE

“• Kim has spoken strongly against the Central School Board rolling property taxes forward without a vote of the people! This was a \$3.75 million tax increase that takes effect Jan. 1. Her opponent led the fight to raise property taxes without a vote of the people! I was shocked! Kim is clear: No tax increase without a vote of the people!”

“• In July, Kim also spoke out strongly at the BREC Board of Commissioners meeting against BREC rolling property taxes forward without a vote of the people! This was a \$24 million tax increase parishwide!”

“While others were silent and went along, Kim Powers has been representing us — even before being elected!”

OPPOSITION TO ILLEGAL MASK MANDATES

“• Kim has helped lead the fight against Gov. John Bel Edwards’ illegal mask mandates. She helped organize hundreds of parents who attended the Louisiana Board of Elementary & Secondary Education meeting in August. As a result, BESE failed to adopt a mask mandate. Kim also spoke and organized scores of parents



Rep. Valarie Hodges

to speak against mask mandates for students at the Central School Board in late August. The Central School Board said they will enforce the Governor’s mask mandate, because it is “the law”! Well, it’s not the law! In fact, Attorney General Jeff Landry, the state’s chief legal advisor, has confirmed that JBE has no authority to mandate masks in two AG opinions!”

“Kim’s opponent has supported masking students in Central schools 8 hours a day! When you attend Wildcat Stadium and see students packed in together with no masks, it is clear what a fraud it is to require children to wear masks throughout the school day. Students are not vulnerable to Covid except in very rare cases!”

OPPOSITION TO ILLEGAL VACCINE MANDATES

“• Kim has also been leading the fight against illegal vaccine mandates. We know that these mandates are destroying our health care system and our supply chain, resulting in shortages, including in our supermarkets. Such dictatorial “mandates” are a fundamental attack on our rights as Americans. In August, when the Central School Board was considering changes to the school system’s Employee Handbook, Kim Powers proposed amendments to guarantee that no teacher or employee of the Central Community School Board could be terminated or disciplined for refusing to take a Covid vaccine. The School Board heard Kim speak and debated the proposal. However, they declined to give Central school employees even this basic protection! Kim’s opponent refused to do a thing to pass

this amendment to the Employee Handbook and protect our teachers from mandatory vaccines!”

“The time for public officials to sit quietly on the sidelines and allow our rights to be trampled is over! We need leaders who will speak out strongly and make a difference.”

IMPROVEMENTS TO WILDCAT STADIUM, SCHOOLS

“Over the past two and a half years, Kim Powers has served as the Community Member of the Central School Board’s Facilities Improvement Committee. In that capacity, Kim has been part of planning some of the most important improvements in the history of the Central school system. These include the improvements to Wildcat Stadium, including artificial turf; the complete renovation of Central High School; the renovation of Tanglewood Elementary, and the new Central Schools Administration building. These facilities will make a big difference for our children for generations to come. Many thanks are due to Kim and the other members of the Facilities Committee!”

“Kim said she has high regard for the members of the Central School Board. However, she

See REP. HODGES on Page 12

Compare the Candidates on Issues

Special Election for Central School Board from District 4. Saturday, Nov. 13, 2021

Candidates Phil Graham and Kim Powers

Graham Was Appointed to the Board in January and will serve until a replacement is chosen



CPA Phil Graham



Kim Powers would be only parent on board with school-age kids

Roll Forward Property Taxes Without Vote of People — \$3,750,000 Tax Increase Over Next Five Years

YES

NO

Mandatory Masks in Central’s Public Schools

YES

NO

Protect Central School Employees from Being Fired for Refusing Vaccine

NO

YES

Kimberly POWERS
Central School Board • District 4

Special Election • Nov. 13, 2021
Early Voting Oct. 30-Nov. 6 at Central Library

Central High Wildcats' Epic Victory



#12 Tyler Heil under pressure as he moves the ball down the field for the Wildcats during the game against the Northwood High (left). Central quarterback #13 Jonathan Swift, II was named



#25 Cameron Patterson brings the heat to Northwood (left). #26 Glen Cage crosses the goal line for the Wildcats (left/center). QB #13 Jonnathan Swift, II ready to make a pass (center).



#15 Caleb Ward was the Week 4 Defensive Player of the Game (left). Wildcat kicker, #41 Nathan Zimmer (left/center). Central quarterback #13 Jonnathan Swift, II (left/center). Wildcat running



Central High Kitten Kaylee Besson (left). Wildcat cheerleaders and football players sing the alma mater after the win over Northwood (left/center). Central High Band (left/center). Centr

Over No. 5 Northwood of Shreveport



Week 4 Offensive Player of the Week (center). After #12 Tyler Heil catches a punt, the ball goes airborne, Heil regains control of the ball and gains more yardage for the Wildcats (right).



ter). #26 Glen Cage fights for yardage, dragging Northwood players behind (right/center). Cage had a great night which included a 37 yard touchdown run for the Wildcats! (right).



ing back #26 Glen Cage (right/center). Wildcat defense puts on the pressure, #22 Caden Cooley (right/center). Jude Gremillion carries the Coach O'Neal flag in the end zone after TD (right).



al cheerleaders Hayley Wall and Nia Jerro (right/center). #54 Kaden Lang celebrates as the Wildcats move into the 4th quarter (right/center). Wildcat sideline during the Northwood game.

Many 'Private' Groups Are Arms of State

Continued from Page 6

The governor doesn't have the power to say all state employees have to be vaccinated. He doesn't have the power to do that. That would violate the authority of the Civil Service Commission to dictate the terms and conditions of employment for the Classified Civil Service.

Vaccine mandates can get complicated. The place to start is with those agencies and entities that are bound by the Constitution, state or federal. They have heightened restrictions on what they can do. They are not only subject to all the restrictions in the Constitution but they are also in this state subject to the Louisiana Religious Freedom Act. That applies to government actors. It doesn't apply to private actors. Private employers are in a little different situation. We are an at-will employment state, but there are some hoops they have to jump through.

For entities like Ochsner's, FMOL, and LCMC, they are parties to complex cooperative endeavor agreements with the state wherein they are carrying out a governmen-

tal function. We closed Earl K. Long. We closed Huey P.

We have contracted with Ochsner's and the others to operate our safety net care. And these institutions are getting an enormous amount of money to do that. They get more money than anyone else. Yet, there's a statute that places that responsibility in the hands of LSU, not just anybody. LSU has that obligation. They have contracted out to fulfill that obligation with these entities. So I think they are bound by the restrictions in the Constitution, because they are carrying out a governmental function. That means there are hyper-restrictions that would apply to them.

La. R.S. 23:897A says a public or private employer cannot make an employee pay for a medical examination among other things. Regarding Covid testing they want to impose, they can't make you pay for it. Even a private employer can't make you pay for it. The Advocate conveniently left that out of their story. They said public employers can't make you pay for it, but neither can private employers.

We just saw this great declaration

of victory when LSU dropped its vaccine requirement at Tiger Stadium. They didn't do that because we won the fight over Covid. They did that because it's very expensive to do what they are doing! And they can't even get the tests! There's a shortage of rapid tests.

I think reality bites. They have this massive testing plan. They want people to come to the football games. But they will default on their bond obligation if they don't get people in Tiger Stadium.

The whole thing with vaccine mandates for a lot of government officials including President Biden, this is more of a talking point. It is a threat and a lot of private employers who are starting to pick up these mandates in advance so they can get ahead of it.

We're going to challenge the OSHA rule. We are going to sue. We're preparing to sue over that. We've publicly stated we're going to do that. We're actively preparing to do that with other states. There will be a lot of lawsuits over that before the ink is dry, I can assure you. I'm not convinced they are even going to put it out, because it

is so complicated. And it's going to conflict with our statute. As I understand it — and the rule hasn't come out yet — they've said the rules are going to say the employee will have to pay for the testing. Well, guess what that conflicts with? Our statute! There is some case law about preemption of OSHA statutes.

The problem with OSHA rules is OSHA wasn't written to deal with public health. They were written to protect you if you handle benzene in the work place. So if you have some dangerous condition that is a product of what your job actually is and does, that's not what Covid is.

Covid is endemic everywhere. You are going to run into it somewhere. It's not specific to that workplace where you are. We have been going for a year and a half with other public health measures that have protected people. Employers are perfectly capable of continuing to implement reasonable health measures and to work with individual employees to protect employment.

One thing I was thinking about when we were doing the Pledge of Allegiance, I carry a pocket Constitution with me. So I read those words a lot and think about them.

When we do the Pledge of Allegiance, we say we are one nation under God — indivisible. But we are divisible! We are indivisible when we all stick together, but what this whole process has been an enormously effective effort to divide us! That's a terrible thing!

This big \$4.3 trillion adventure is another mechanism to do that. I was at an event last night and heard a United States Senator. He was talking about the importance of family and how family is so important to lifting a person out of poverty. I truly believe that it is. I think education is important, and work ethic is. And what do we see being eroded? Family. Education. And work ethic.

Even college kids. When they got that \$800-\$900 a week check from the government, they stopped working. When the check stopped, they did go back to work.

But not everybody has gone back to work!

We were coming back from the movie the other night, and we were noting everyone was hiring on Essen Lane. It said hiring, hiring. Mr. Gatti's was hiring. Taco Bell was hiring. Baton Rouge Clinic was hiring. All four corners of the intersection were hiring! We've never seen anything like this before, when the government has eroded people's desire to work. It is critical to get back to a solid foundation that makes us what we are as the greatest country in the world.

We can't do everything but we can do something. Your commitment to doing something will keep our democracy alive, and that's what gives me hope!

It is a good thing that people are waking up.

WOODY JENKINS: This is our Revolution. This is our World War II. This is when we are relearning the Constitution and the Bill of Rights and the principles that make us a great country.

I'd like to see if you agree with this. The First Circuit Court of Appeal kicked out Gov. John Bel Edwards' suit against the Legislature this week. They did it and said it was because it was moot, which raises some issues itself. One thing they said that I think is axiomatic is that all statutes are presumed to be

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Liz Murrill on Separation of Power



MAJOR GEORGE FRANCIS (left). Local citizens asking questions of Solicitor General Liz Murrill.



TORI HYMEL wife, mother and student of the Constitution (left). Louisiana Sunshine, Susie Labry reciting the Let the Mamas Be the Mamas and Papas Be the Papas (left/center). Michael Chittom (center). Candidate for Central School Board Kimberly Powers (right/center). Founder of Jefferson Baptist Church Rev. Tommy French (right).

Continued from Page 10

constitutional on their face until it is ruled otherwise.

LIZ MURRILL: Yes, that's axiomatic.

WOODY JENKINS: So the governor is responsible for executing the laws of our state. But he decided to ignore the provisions of the Emergency Powers Act which give the Legislature the power to end an emergency.

He is the lawbreaker! That is the key thing about that opinion, in my view. It shows that from the beginning or at least from the time the Legislators signed petition ending the state of emergency, the lawbreaker has been John Bel Edwards!

I was a member of the Louisiana House of Representatives when the Legislature considered the Emergency Powers Act [in 1992]. The reason I got involved in the legislation was found right at the beginning of the bill, and that language is in the current law. It says that the orders of the governor have "the force and effect of law."

LIZ MURRILL: It's the only place it says that in the entire Louisiana Revised Statutes.

WOODY JENKINS: That is the language that got me interested in the bill. I had many amendments that cleaned it up. Later I came to realize that this language is not as far-reaching as it may first appear. Let's suppose a policeman stops you for speeding. He stops you. Get out of the car! Let's see your license, your insurance. He smells

Ronald Reagan Newsmaker Luncheon
Café Américain • Oct. 12, 2021
 Video by Kim Powers • Photos by Jolice Provost
 For the Central City News



marijuana. May I look inside your car? He decides to put you under arrest. Madame, please place your hands behind your back!

That, in the right circumstances, is a lawful order and it has the full effect of law. It's a lawful command. It is not a law, but it has the effect of law. You're being ordered to do something legally. That doesn't mean the police officer is making law. He's not enacting law!

LIZ MURRILL: He's enforcing the law.

WOODY JENKINS: Correct! He's enforcing the law. And that's all that statement means in the Emergency Powers Act. He has the power to issue rules that have the full force and effect of law.

[Regarding the suit by the governor against the Louisiana House of Representatives for terminating his Emergency Order], the reason we said either house of the legislature could terminate an Emergency Order of the governor is that both houses of the legislature ought to be in agreement in order to continue an emergency. Judge Morvant said, "Oh, both houses should have to agree to terminate it." No, both house should have to agree in order to continue the emergency! That's the law and there's nothing unconstitutional about it!

So the Emergency Powers Act says the governor can make orders, but then it says what orders the governor can make, and it's a finite list of things he can do. Closing businesses is not one of those things. Ordering masks is not on the list of things the governor can order either!

Down in La. R.S. 29:736D within the Emergency Powers Act, it says that the governor shall not do anything to diminish any of the right contained in the Declaration of Rights of the Louisiana Constitution or the Bill of Rights of the United States Constitution.

R.S. 29:736D. Exclusion
Nothing in this Chapter [the Emergency Powers Act] shall be interpreted to diminish the rights guaranteed to all persons under the Declaration of Rights of the Louisiana Constitution or the Bill of Rights of the United States Constitution. This Chapter shall not violate Article II (Distribution of Powers), Article III (Legislative Branch), or Article V (Judicial Branch) of the Louisiana Constitution. The courts shall be

open, and every person shall have an adequate remedy by due process of law and justice, administered without denial, partiality, or unreasonable delay, for injury to him in his person, property, reputation, or other rights. The orders of all courts shall have their full force and effect. The legislature may call itself into session at any time and shall exercise its powers and duties. Its ability to enact law, appropriate funds, and confirm appointees shall be in full force. The privileges and immunities of legislators shall be respected.

Acts 1993, No. 800, §1, eff. June 22, 1993

What that is saying to any governor or judge or member of the media, or citizen is this: Whatever you're reading here, remember: Anything the governor does is subject to the constitution! He can't make up laws!

LIZ MURRILL: Thank you for that, because I think that is really, really an important part of the whole Act. Our view is — and these are some of the basic tenets of constitutional construction — the statutes are presumed constitutional until they're declared otherwise.

You have the "delegation limitations." That means there have to be certain boundaries [or the action would violate Separation of Powers]. The legislature can't give

See SOLICITOR on Page 12

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Solicitor General Represents Citizens

Continued from Page 11

broad, vague boundless authority away. It can't do that! The Emergency Powers Act has expressed limitations. Those limitations would exist even without 736D.

Woody and the legislature at the time saw the wisdom of putting the Constitutional limitations in black and white in the Emergency Powers Act. R.S. 29:736D says nothing in the Emergency Powers Act should be construed to violate the Bill of Rights, the Declaration of Rights in the State Constitution, or to change the Separation of Powers.

It was an important statement of limitation on the scope of the power of the governor. This is what all our fights come down to — what does it mean for the governor to be able to issue an executive order that has the force and affect of law?

We know he can't make law, we know that there are limitations on the legislature's ability to delegate its power. So we view that as, well, he can do these things that they listed and if he does these things that

are listed, then the legislature has sort of pre-approved them and said that's okay.

I'll tell you one of the things in that list of powers is "commandeering" and we have pointed out that the only safe harbor for some of the things that he's done, like closing businesses down or shutting down bars and restaurants, falls under that provision. The problem is, he hasn't paid anybody for it.

The problem is that commandeering is a taking, and if it's a taking, you've got to pay for it. Those provisions are still pending. Those are still in litigation, by the way. The bill may be coming.

Woody, I think part of the problem is that there have been very few judges that really had the backbone to wrestle with some of these problems and to issue orders. [However, there are some judges who have had] the courage to say, the governor's powers are limited. In one of the bar owners cases, the governor's attorneys came to court and made some astonishing arguments.

They said the governor can pretty much do anything he wants and they can ding you for it as a character violation, if you violate the order. I mean, think about that, if the governor has no restrictions at all on what he can put into an executive order and claim that it has the force and affect of law and then he can send out Butch Browning, the Fire Marshal, and the ATC to threaten your business licenses and threaten you.

AUDIENCE: The brown shirts.

LIZ MURRILL: Thank you, I mean you know. I think that it is an astonishing threat to our government structure, and I really wish I would see more judges wrestle with that threat. I did see those two judges in Gretna do it. ATC has appealed those cases and we will file *amicus* briefs. In fact, I think we already have filed it in both those cases, and we will file them at the Louisiana Supreme Court.

We've filed them in Jeff's cases involving **Fire House Barbecue**.

We have defended the legislature

and won in those suits where governor initiated a suit against the legislature.

By the way you can't sue the legislature! They're not a juridical entity. You can't sue the legislature and you can't sue them for carrying out their legislative functions. They have something called privileges and immunities.

I think that there are all kinds of civics lessons in this tortured process that we're going through.

You know, the book has yet to be written on how this plays out. I am hopeful that we will have a new governor who is more like George Washington, someone who cares more about the long-term survival of our republic, our state government, and our ability to govern ourselves. That person shouldn't pull all that power unto herself or himself and should recognize that we need to make changes that will protect us for the long term. If we see that happen, that will be a real sign of improvement.

Honest Questions, An Accounting, Crashing Down, More

Continued from Page 5

layoff, and punishment, 54.7 percent of Louisianians are not fully vaccinated. Why?

★★★

HONEST QUESTIONS. So you want to mandate vaccines on everyone? You want the federal, state or local government to mandate vaccines? You want private companies to mandate vaccines? Do you realize that federal law gives vaccine manufacturers TOTAL IMMUNITY from liability for any adverse reaction or even death that a person who is vaccinated experiences?

So who is going to be responsible for the hospitalization, loss

Board to Accept \$6.1 Million Grant

Continued from Page 1

structions."

This past week, the State Board of Elementary and Secondary Education voted to end letter grades being used to evaluate public schools throughout the state. But BESE could not officially do so until approval was granted by the federal government. Why? Because the Louisiana Department of Education has accepted federal funds that require it to get approval from the U.S. Department of Education in order to end letter grades of schools!

Federal money always comes with strings attached. In addition, when federal money is spent at the local level, local school boards pressure Congress to keep it coming year after year. If the federal grants ever do end, the pressure is on the local school board to continue the spending and pay for it with new taxes levied at the local level.

Louisiana Solicitor General Liz Murrill spoke on this problem Tuesday at the Ronald Reagan Newsmaker. She said federal control begins with accepting federal funds. Schools become dependent on those funds and end up complying with federal edicts in order to keep the money coming.

of income, injury or death of such a person? Not the manufacturer or the President or the Governor or the Congressmen or the university or the airline or the hospital, that's for sure!

Are YOU going to pay for their suffering? Unless YOU are responsible or at least have some plan to compensate people you are advocating be vaccinated against their will, then YOU are part of perpetuating a great injustice!

★★★

AN ACCOUNTING. There must be an accounting, both civil and criminal, for the harm these petty tyrants have done at the local, state and federal levels. RICO investigations and prosecutions are an appropriate vehicle.

★★★

CRASHING DOWN: The bizarre little world JBE has been creating for us is crashing down. He has abandoned vaccine mandates and mandatory testing for state employees and for Tiger Stadium. Now the 1st Circuit Court of Appeal has kicked his suit against the legislature out of court. The court said all statutes are presumed constitutional. When the governor refused to recognize the legislature terminating his emergency declaration, he was the lawbreaker!

★★★

What a great opportunity Covid has been for the Chinese Communist Party and the hard left in America to teach us to do as we are told upon their command! Using our irrational fear, they have Americans doing what we have never before been willing to do — lay down every one of our liberties for a false promise of safety. Remember this: For the Left, the issue is never the issue. It is always about the Revolution!

★★★

CATHOLIC RELIGIOUS EXEMPTION. Archbishop Timothy P. Broglio, the Archbishop for the U.S. Military Services, said last week, "No one should be forced to receive a COVID-19 vaccine if it would violate the sanctity of his or her conscience."

Catholic troops have a legitimate religious objection to taking the vaccine, he said, regardless of whether abortion-related tissue was used in its creation or testing.

The Archdiocese for the Military Services has responsibility for 1.8 million service members and their families at 220 installations around the world.

★★★

NATURAL IMMUNITY caused by having had Covid will make you 27 times less likely to get a second Covid infection than from being vaccinated, according to a study of 700,000 people in Israel. At least 15 studies have shown a prior infection is more powerful than being vaccinated.

★★★

THE BIDEN ADMINISTRATION is ignoring the security of the our citizens by opening the borders. He is ignoring the safety of Americans in Afghanistan by abandoning them. He is ignoring the security of the world by leaving billions of dollars in sophisticated weapons in the hands of the bloodthirsty terrorist Taliban. Now he is shredding the Constitution by taking over our health care system and trying to forcibly mandate medication.

★★★

REMEMBER THE HEROES? Remember the wonderful doctors and nurses who were our heroes for fighting the Covid just a few months ago? It's funny but now those same people who choose not to be vaccinated are mindless, selfish antivaxxers who shouldn't have a job in the medical profession!

★★★

FOLLOW THE SCIENCE. Yes, it all makes perfect sense! When you walk into a restaurant, be sure to have your mask on! Love your community! Then sit there a foot from your neighbor and take your mask off! It's okay because eating is a necessity and the virus knows better than to be transmitted when you are eating!

★★★

WHY I HATE MASKS. How can criminals, Nazis, and communists do such evil things to people?

They see others as objects not people. They do see black, white, male and female. Masks hide our uniqueness and facilitate evil.

★★★

WHAT YOU WILL MISS. Long ago someone told me, "In life, it's not the things you never had that you will miss -- things like wealth or power or fame. It's the things you already have that are taken away — our freedom or our health or our loved ones, friends, or relationships." We have blessings all around us that when lost will never return. Treasure them while you can!

Rep. Valarie Hodges Endorses Kim Powers For School Board

Continued from Page 7

said that, if elected, she will push change some of the ways the board operates. She said all meetings should be well publicized and open to the public. Too often, she said, the real meeting is "the meeting before the meeting," and these are not well publicized."

"Kim Powers is a graduate of Slidell High School and Delgado College. Her step father, Alvin Singletary, served as Mayor of Slidell and was a delegate to the constitutional convention in 1973 that wrote the current Louisiana Constitution. If elected, Kim will be the only parent of school age children to serve on the current Central School Board. Kim is Advertising Manager of the *Central City News*, and has played a key role in the *Central City News* being named Louisiana's "Newspaper of the Year". Kim will be a big help to me on education issues. I really need some strong allies on our school boards! The election is Nov. 13th. Early voting is Oct. 30-Nov. 6 at the Central Library! Please vote early!

"Please join me in supporting Kim Powers for Central School Board from District 4!"

"Rep. Valarie Hodges (R-Central and Watson)"

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REV. TONY SPELL (right) with attorney Jeff Wittenbrink in front of the 19th Judicial District Courthouse on Tuesday, Oct. 19. Rev. Spell has been charged criminally with six counts of holding worship services during the Covid pandemic. The pastor's case was held over by Judge Eboni Johnson-Rose, pending a decision by the Louisiana Supreme Court.

Rev. Spell Case Postponed

BATON ROUGE — The criminal case against Rev. Tony Spell is on hold pending a decision by the Louisiana Supreme Court on his Motion to Quash the charges against him — six counts of holding worship services in violation of Gov. John Bel Edwards' orders.

At a status conference before Judge Eboni Johnson-Rose at the 19th Judicial District Courthouse in downtown Baton Rouge, the judge said she would not proceed until she hears from the Supreme

Court.

In an interview with the *Central City News* after the hearing, Baton Rouge attorney Jeff Wittenbrink said the pastor has a strong case before the Supreme Court, and he is hopeful for a positive decision that would terminate the matter. If not, the judge has scheduled another status conference for Jan. 18.

Pastor Spell's position is that the governor's orders are clearly unconstitutional and the charges should be quashed.



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Port Hudson Reenactment, Seminar Nov. 5-7 at Port Hudson Historic Site

158th Anniversary of Siege of Port Hudson On 80-Foot High Bluffs On Mississippi River

PORT HUDSON — For 48 days, Confederate troops defended its fortifications and the 80-foot-high bluffs that dominate the Mississippi River in one of the longest sieges in American history.

Then after Vicksburg surrendered on July 4, 1863, the starving Southern forces at Port Hudson surrendered, effectively dividing the Confederacy and making supply lines even more difficult.

Port Hudson State Historic Site will host two historic events Nov. 5-7 — the 4th Annual Baton Rouge Civil War Symposium and the 158th Anniversary Re-enactment of the siege of Port Hudson.

Civil War Symposium

The Baton Rouge Civil War Round Table is holding the Civil War Symposium on the Port Hudson State Historic Site. Experts in the field will cover such topics as naval and land battles, post siege events, and the human side of war.

The symposium will run from 6:30 p.m. to 9 p.m. on Friday, Nov. 5, 9 a.m. to 5 p.m. on Saturday, Nov. 6, and 9 a.m. to 12 noon on Sunday, Nov. 7. Attendees will come from places as far away as Arizona.



THE SIEGE OF PORT HUDSON will be reenacted Nov. 5-7 at Port Hudson site.

For Symposium Registration, go to www.brcwrt.com, or call (225) 937-2782. Admission is \$115 before Oct. 29 and \$125 after Oct. 29.

Re-enactment Nov. 6-7

The Park is hosting the 158th Anniversary Re-enactment of the Siege of Port Hudson. Battles with hundreds of re-enactors, living history camps, sutlers, firepower, medical, and period dance demonstrations will be featured in this family-oriented event which is a fun way to learn about local history. It is open to the public.

For Re-enactment information, go to Port Hudson State Parks website, <https://www.lastateparks.com/historic-sites/port-hudson-state-historic-site>, or call 225-654-3775.

The Park is located at 236 Hwy. 61 in Jackson, LA. Hours are from 9 a.m. to 5 p.m. Admission is \$4 for ages 4-62.

A portion of the symposium proceeds will benefit the Friends of Port Hudson.

Symposium Weekend

Friday Night: 6:30 p.m. to 8:30 p.m. Reception at the Republic of Florida Museum

Saturday Symposium: 8 a.m. to 5 p.m., Breakfast snack, Lunch, Book Raffle, Grand Raffle, and the Civil War re-enactment.

Speakers

Sam Hyde, PhD. "Port Hudson's Brutal Legacy: General Orders No. 33 and the Transformation of the War in Southeast Louisiana"

Samuel Hyde is Director of the Center for Southeast Louisiana Studies at Southeastern Louisiana University. He is author or editor of 11 books. When the Confederate garrison surrendered, the Federals issued General Orders No. 33, which allowed Union soldiers to make war on civilians.

Lawrence Lee Hewitt, PhD. "Portraits of Port Hudson." - The former manager of the Port Hudson and Camp Moore Historic Sites has written many books about on the Civil War and is currently writing a history of the Port Hudson Civil War photographs.

Russel Blount, Author/Historian is the author of five books on the Civil War. He is a frequent

See **PORT HUDSON** on Page 15



RE ENACTORS depicting Union soldiers at a medical station. Watch that leg!



UNION SOLDIERS displaying tools used for amputations.



CONFEDERATE SOLDIERS showing off a variety of Southern uniforms.



YOUNG AND OLD fought side by side for the South.



CANNONEERS keep the art of firing historic cannons alive.

Port Hudson Events Nov. 5-7

Continued from Page 14
speaker at battlefield parks, museums, Civil War roundtables and other historical forums.

Dr. Samantha Cavell. "A River Afire: the Naval Battle of Port Hudson" - The naval action that took place at Port Hudson on the night

of March 14-15, 1863 saw Admiral David Farragut confront the might of seven major Confederate batteries in a desperate attempt to "run the guns" and bring his warships north of the town. This night action would, however, end in disaster for most of Farragut's squadron

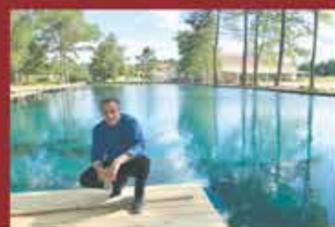
while Rebel yells announced victory from atop the bluffs.

Steven Michot PhD. "Post-Port Hudson: The Battle the Union Wanted to Forget" - The topic will cover the 13 July 1863 Battle of Koch's Plantation which involved 10,000 recently redeployed Union soldiers from the Port Hudson battlefield. Facing the Northerners were 1500 hard-driving Texas

cavalrymen. In a spectacular show of warrior spirit, the Confederates drove the Union defenders from the field and achieved a lop-sided victory that the after-war chroniclers tried to downplay.

The Central City News will broadcast parts of the events of Saturday, Nov. 6 and Sunday, Nov. 7 at Central City News on Facebook.

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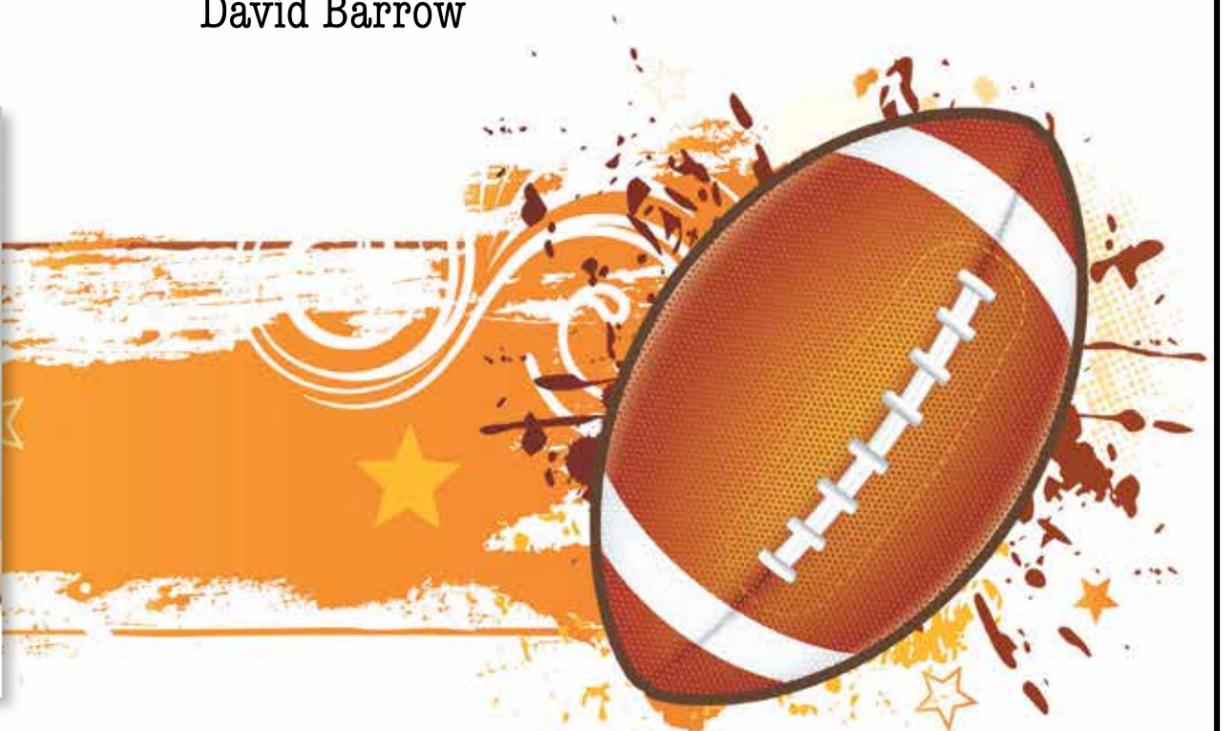
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City of Central Mayor,
David Barrow
David Barrow



Central High School Volleyball Team



Photo by Eric Frank Photography

CENTRAL HIGH SCHOOL VOLLEYBALL TEAM — Back Row (L-R) Manager Shelby Wendt, Shauna Hooper (Fr), Cassidy Griffin (Fr), Peyton Blount (Fr), Ava Nehring (Fr), Adde Lee (Fr), Kaitlin Medine (Fr), Annie Talbot (Fr), Ella Saccaro (Fr), Jade Gissman (Fr), Kara Watts (Jr), Julie Stevens (So) Middle Row (L-R) Anyla Jones (So), Maggie Tullier (Jr), Azaria Porch (Jr), Bella Bossier (Jr), Jaida Alvin (Jr), Reese Prestridge (Jr), Kylea Saccaro (Jr), Cailyn Heyl (Jr), Aly Lasseigne (Jr), Harley Guin (So) Bottom Row (L-R) Saige Wolfe (So), Heidi Bailey (So), Londyn Dixon (Sr), Morgan Fresina (Sr), Autumn Vessier (Sr), Emma Dungan (Sr), Maddie Edwards (Sr), Mirakle Sampson (Sr), Kaylen Dillard (So), Kaci McCaskill (So)



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**NEWSPAPER OF
THE YEAR**

Central City News
Woody Jenkins, Editor

Central's Running Back Glen Cage

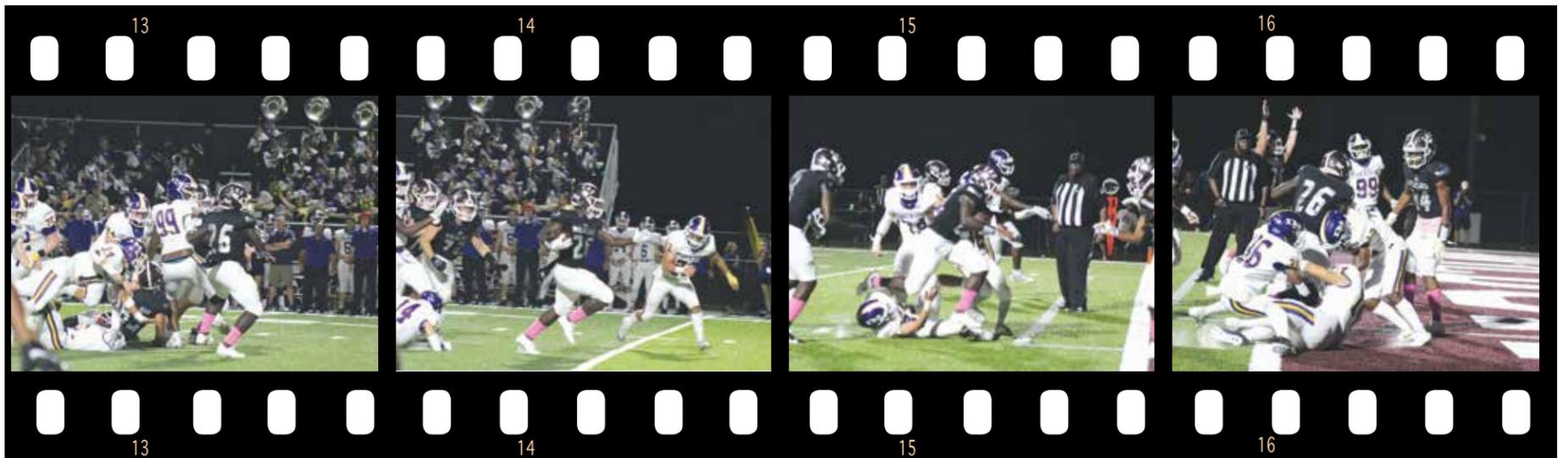
Winner of WBRZ's Week Six "Fan's Choice Player of the Week"



**WBRZ Week 6
Fan's Choice
Player of the
Week Video**

In the game against the Yellow Jackets #26 Glen Cage ran for 167 yards and made two touchdowns for the Wildcats, one of which was a 75 yard touchdown reception. Cage is a junior and will return next year. He is definitely someone to keep your eye on the remainder of this season and next year. In addition to being WBRZ's Week Six Fan Choice Cage was also awarded Week One, Louisiana Farm Bureau Insurance Player of the Week. In two impressive carries, Cage broke through Denham's defense with twists and turns, then scored his second touchdown of the night!

Glen Cage Barrels Through the Yellow Jacket Defense for a TD



#12 Tyler Heil



The Wildcat Defense was named Louisiana Farm Bureau's Defensive Player of the Game for keeping Denham Springs out of the end zone.



#92 Donte Cryer, #20 Jamarius Jarvis and #22 Caden Cooley



The Wildcat defense in action against Denham Springs. Central's defense kept the Yellow Jackets out of the end zone.

**Video by
Woody Jenkins
and Photos by
Jolice Provost
Central City News**

Central High Wildcat Football Team

2021 Varsity Players



Brody Artieta
#53



Marquise Barrett
#19



Jonathan Barth
#51



Waylon Bennet
#75



Leyton Bickham
#82



Adrian Bonds
#10



Elijah Bridgewater
#16



Jarien Brown
#5



Logan Brown
#45



Michael Brown
#58



Jonathan Brue
#77



Glen Cage
#26



Landon Cleveland
#98



Calvin Collier
#84



Elijah Colomb
#97



Caden Cooley
#22



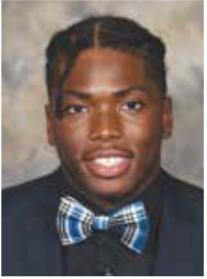
Gavin Cooper
#35



Donte Cryer
#92



Alexander Dang
#28



Jyjuan Davis
#1



Daylon Duplesis
#79



Sam Eames
#3



Brantley Everett
#32



Ethan Ferguson
#9



Tyler Fortney
#2



Kade Furr
#81



Alexander Garcia
#61



Colby Godso
#35



Jackson Griffin
#87



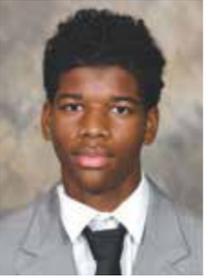
Brayden Hamner
#72



Griffin Heil
#65



Tyler Heil
#12



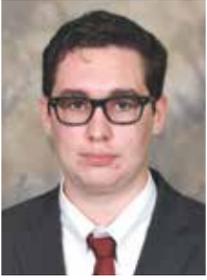
Sammuel Hemmings
#34



Lucas Hill
#18



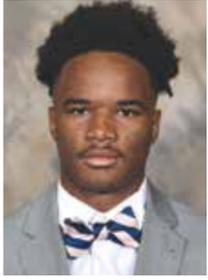
Justin Hillard
#31



Bryce Hunter
#69



James Hussey
#89



Darren Jarvis
#14



Evan Jones
#40



Clayton Kimball
#11



Henry Lagatutta
#67



Jake Lalonde
#43



Kaiden Lang
#54



Ethan Leonard
#46



Jeremy Muvdi
#56



Ryley Myers
#10



Cameron Patterson
#25



Michael Pizzalato
#39



Chandler Powell
#94



Josh Richard
#30



Andrew Richard
#62



Trenton Robinson
#7



Lance Scott
#21



Nikolas Sherry
#71

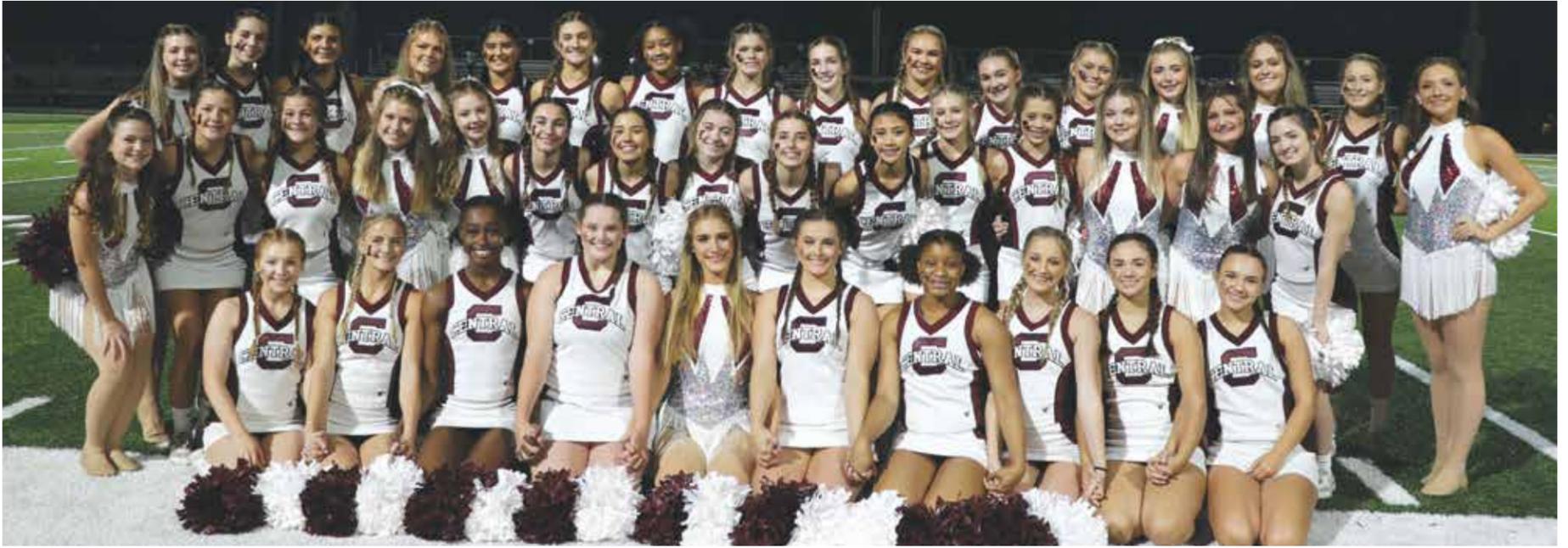


Kasey Smith
#57



Hayden Starkey
#2

Central High School Cheerleaders and Kittens



Central High Wildcat Varsity Cheerleaders and Kittens after halftime performances during the game against Northwood High School. Photo by Jolice Provost for the Central City News.



Errol Stevenson #78



Jai Swift #96



Jonathan Swift, II #13



Kam Triplett #17



Landon Wegner #91



Caleb Ward #15



Tyler Roberts-Ward #49



Jevon Washington #4



Adyn Wilkinson #85



Colby Williams #99



Keith Williams #26



Jacob Tullier #11



Cole Turner #86



Gavin Vacarro #8



Kyle Veal #6

Central High School Coaching Staff (Continued from Page 3)



Gregg Morris
Wide Receivers



Jonathan Swift
Freshman Coach



Paul Varnado
Offensive Line



Aaron Vice
Offensive Coordinator



Ashley Rush
Athletic Director

In Memoriam
Coach Brandon O'Neal
 May 20, 1980 - August 12, 2021

Coach O'Neal served for 11 years as an assistant coach to the Central Wildcat football team. His dedication, grit and passion will always be remembered by the players he coached. He was a beloved member of the Central Community.



Central High Athletic Trainers and Athletic Training Students



Bryan Hutson
Athletic Trainer



Keith Thompson
Athletic Trainer



Kaitlyn Birch
Athletic Trainer



RyAnn Barbier
Sports Med Student



Winsome Brass
Sports Med Student



Baylee Calloni
Sports Med Student



Alaina Carlson
Sports Med Student



Nadia Castello
Sports Med Student



Emma Cline
Sports Med Student



Lariah Foster
Sports Med Student



Chloe Heil
Sports Med Student



Cassidy Johnson
Sports Med Student



Lani Roshto
Sports Med Student



Alaina Ward
Sports Med Student

Central High Wildcats Raise Funds for



#26 Glen Cage puts up 6 points for the Wildcats (left). South Lafourche and Central went head to head at Wildcat Stadium. Final score Central 56 - South Lafourche 21 (right)



#5 Jarien Veal breaks free for the Wildcats (left). #92 Donte Cryer was Week 5 Defensive Player of the Week. #16 Elijah Bridgewater and #22 Caden Cooley (right)

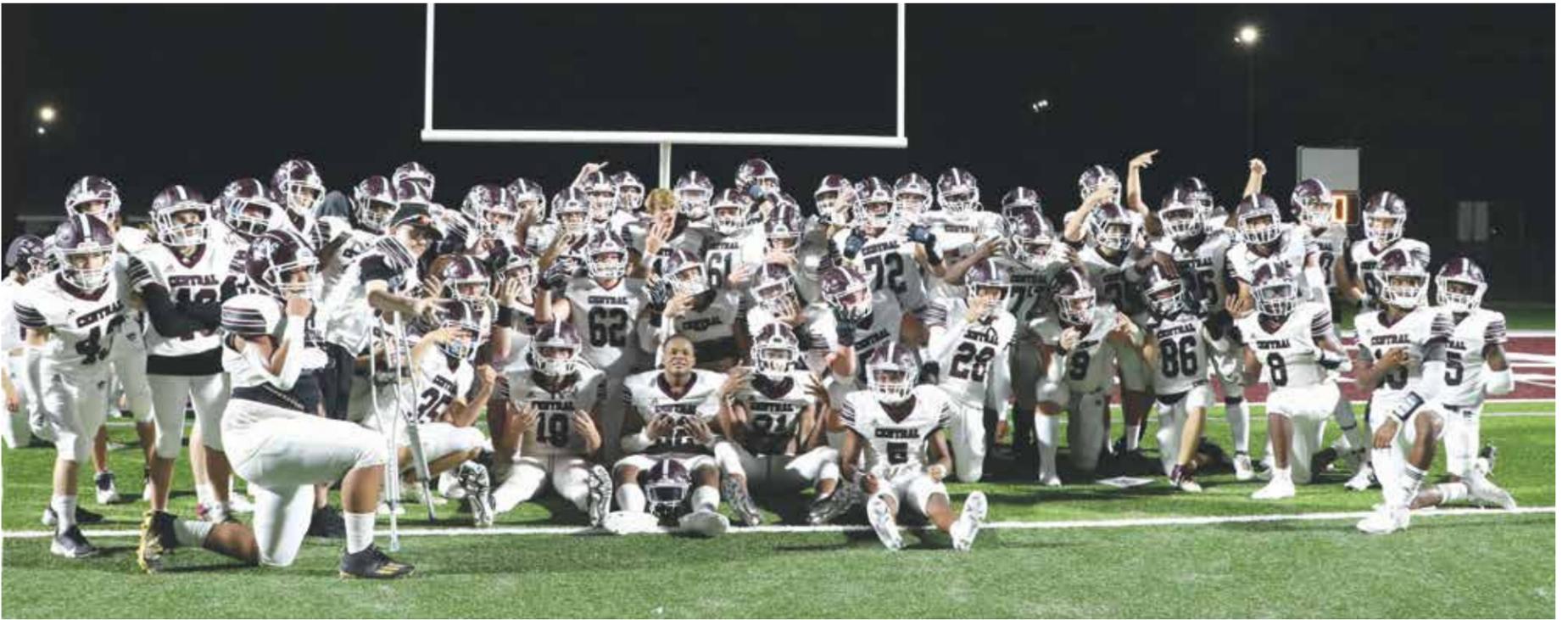


Central's offensive line at the snap just outside the Wildcat goal line (left). The South Lafourche offense put 21 points up against the Wildcats. The Central defense was ready (right).



The Wildcat defense was on fire when they faced the Tarpons at Wildcat Stadium.

Hurricane-Ravaged South Lafourche



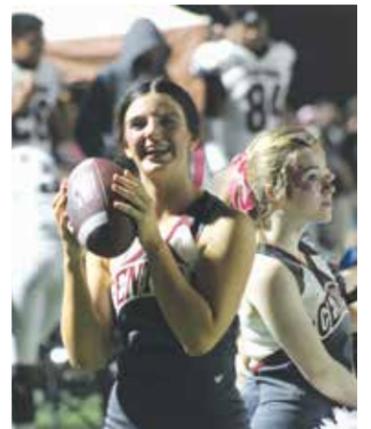
The Wildcats celebrate the win over South Larourche 56-21. When the O'Neal family pointed out the final score they smiled, 56 was Coach O'Neal's jersey number.



Game Coin, a new locally-based crypto-currency company, donated \$100,000 to South Lafourche High School's Athletic Department to aid in their recovery from Hurricane Ida (left). Gil Matherne, owner of GM Cable and an alum of South Lafourche served as an honorary Game Captain. He is at center field with CCSS Athletic Director, Ashley Rush (center). Bank of Zachary raised \$5,000 and presented it to South Lafourche to help ease the pain and devastation caused by the hurricane (right).



The Central cheerleaders sport new uniforms (left). Central kicker, Nathan Zimmer talks to young Wildcats on the sidelines (center). Woody Jenkins interviews Samson Newsome



Central High - 56
South Lafourche - 21

Video by Woody Jenkins
Photos by Jolice Provost
for the Central City News

Central
vs
S. Lafourche
Part
I



Central
vs
S. Lafourche
Part
II



Central
vs
S. Lafourche
Part
III



Central High School Marching Band



Photo by Eric Frank Photography

CENTRAL HIGH SCHOOL MARCHING BAND: under the direction of Band Director Ty Lege and Drum Major Keara Field. Flute: Landon Aucoin, Aulora Kesner, Tori Lee, and Carly Minor. Clarinet: Ava Acosta, William Briley, Sam Glascock, Olivia Guzman, and Gavin Landry. Alto Saxophone: RyAnn Barbier, Levi Briley, Myrielle Eisworth, Austin Elliott, Brady Guillot, Landon Hamilton, Ian Lindsay, Matthew Raborn. Twirler: Afton Graham. Trumpet: Tucker Breeden, Matthew Davis, Kenneth Forest, Ethan Gauthier, Ethan Johansen, Aedan Tate, and Antonio Warner. Mellophone: Sarah Sloan. Trombone: Valentine Badulescu, Gracie Barbay, Brennan Besse, Hunter Epps, Danica Humphreys, Konner Mullins, Markell Sampson, and Samuel Wagoner. Baritone: Nicholas Murphy. Tuba: Tanner Fuller, Zachary Clark, Christopher Kenney, Caden Reason, Shane Ruegg, Conner Stanley. Percussion: Dylan Bergeron, Hinesley Bryant, Ethan Cormier, Daniel Loolara, Brody Mitchell, Tanner Smith, Gabby Sparks, Caleb Taylor, Carson Truett, Nathan Wilbert, Cameron Willis.



Photo by Eric Frank Photography

CENTRAL HIGH SILKS: (Top row) Kori Whittington, Ainsley Vallere, Elise Cooper, Gabrielle Reed. (Bottom row) Chloe Richardson, Olivia Davis, Clare Norwood, Cas Steudlein, Emily Dickerson, Ellyana Manson.



Photo by Eric Frank Photography

CENTRALHIGH KITTENS: (Top row) Lexi Montagnino, Emilee Brumfield (Co-captain) Skyler Acosta (Captain), Jayden Debetaz, Taylor Easley, Tara Dieckerson. (Bottom row) Analise Armand, Hannah Kracht, Kaylee Besson, Emii Threeton, and Samantha Vaughn.



Photo by Jolice Provost

TWIRLER: Afton Graham



Photo by Jolice Provost

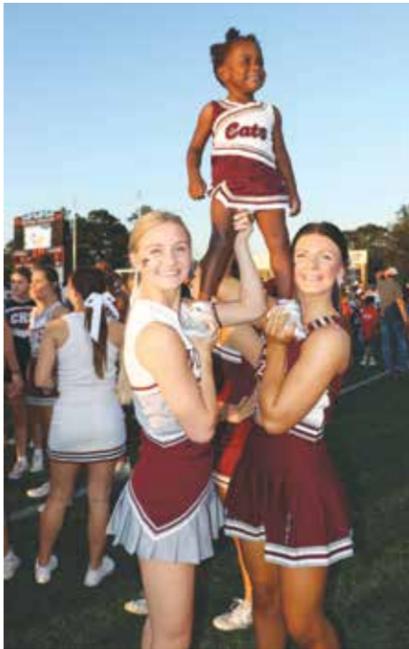
DRUM MAJOR: Keara Field



Photo by Jolice Provost

CENTRAL HIGH BAND before the Central vs. Northwood game.

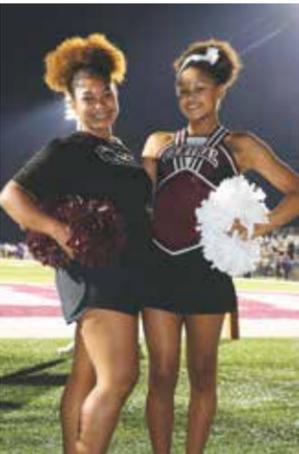
Central Cheerleaders Host Alumni



Makalya Smith and Emmy McClure stunt with Dream Battley as their flyer.



Former Central High School cheerleaders joined the 2021-2022 varsity team on the sidelines in the big game against Denham Springs.



Kalynn & Kierra Taylor



Mother/ daughter Kristen and Kenleigh Perrin



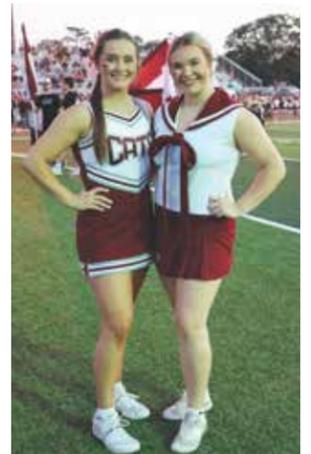
Hannah and Hayley Wall with their Aunt Ashley



Hallea LaCroix wearing a 1983 uniform



Cheer alum Grace Knapps, Ella Allen and alum Bailee Bagley



Captain, Taylor Richard and Raelyn Burnett



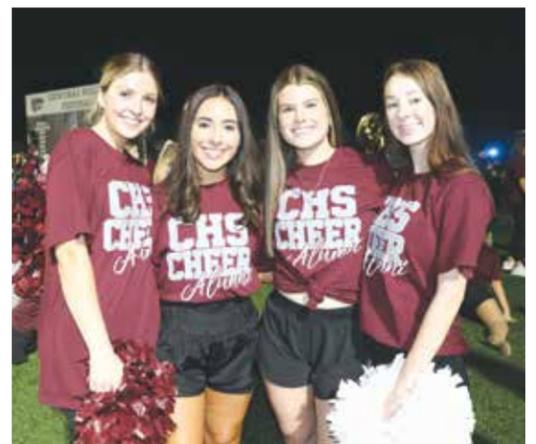
Lexi Khemmanyvong



Nia Jerro



2020 Central cheer alumni



2020 Central cheer alumni

Central High Wildcats Game Videos Produced by the Central City News

Central vs University Sept. 3



Central vs Tara Sept. 10



Central vs Belaire Sept. 17



Central vs Northwood Sept. 17



Central vs S. Lafourche Oct. 1



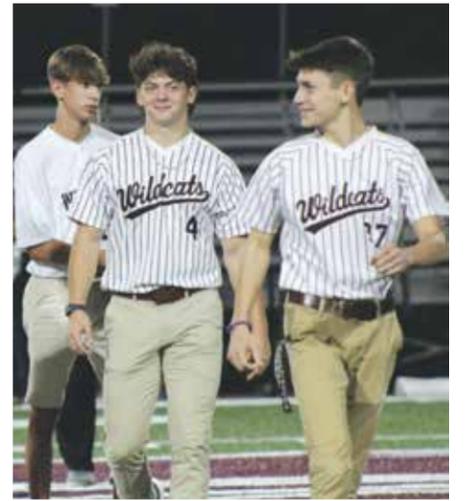
Central vs Denham Oct. 8



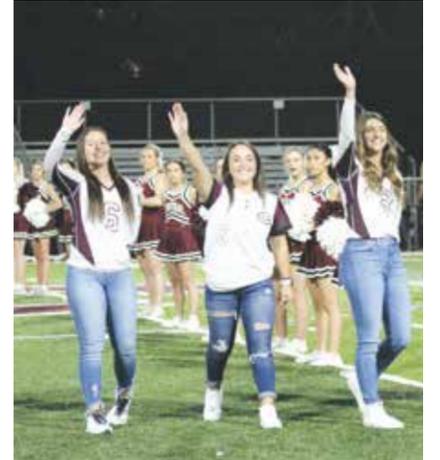
Central vs Scotlandville Oct. 15



Central High School Celebrates



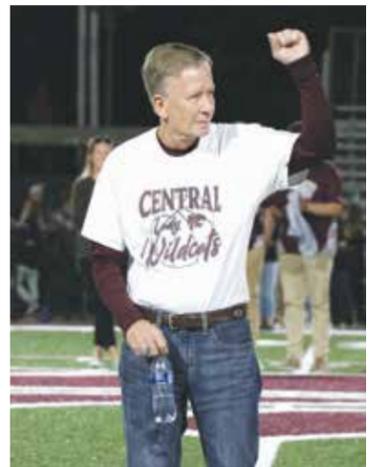
Wildcat Silks and band (left). Central gymnastics team (center). Wildcat varsity baseball players (right).



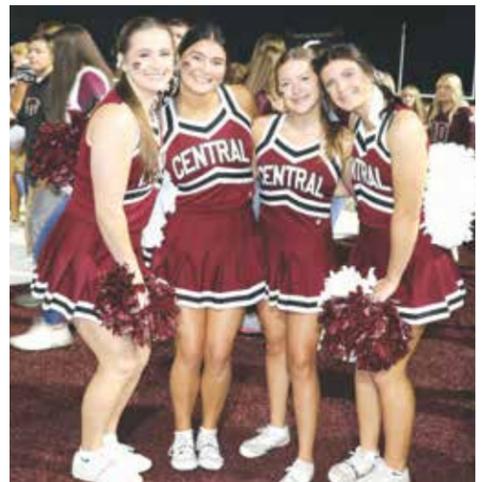
Central Wildcat varsity football players (left). Cheerleaders perform for the packed stadium at Meet the Wildcats (center). Central softball players (right).



Central Silks and band (left and center). Wildcat tennis team (right/center). Central volleyball players (right).



Central's bowling team (left). Wildcat basketball team (right/center). Coach Duhé (right) will be heading the girls basketball team. He's excited about the season.



Silks and Kittens during the alma mater (left). Seniors participate in their last Meet the Wildcats (center). Central High varsity cheerleaders (right).

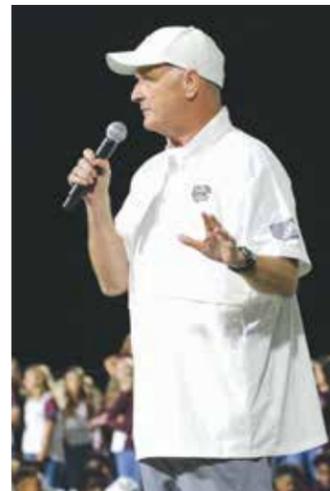
Meet the Wildcats at the Stadium



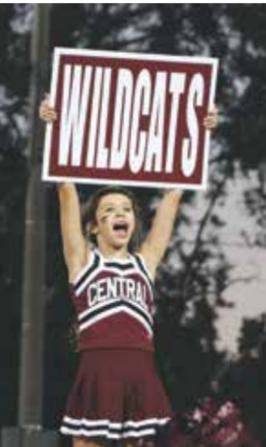
Central varsity football players (left). Update given on the volleyball team (center). Amy Stevens, cheer coach, and Taylor Richard, cheer captain (right).



Central wrestling team team (left). Central Kittens perform a dance for the fans (center). Cheerleaders and girls basketball team sing the alma mater (right).



Wildcat volleyball team (left). Central cross country team members give an update to the fans (center/left). Twirler Afton Graham (center). Coach Sid. Amanda Fontenot (right).



Gooooo Wildcats, Central cheerleaders get the fans fired up (left). Central's basketball coach Jamar McKnight. Wildcat ladies soccer team (center/right). Cheerleaders (right)



Central's drumline (left). Fireworks at Wildcat Stadium (center). The Silks perform their routine for the fans (right).

Why Vaccine Mandates Are Illegal Under

Top Attorneys Who Fight JBE Mandates Explain Why Law Is Totally Against Gov.

Woody Jenkins
Editor

BATON ROUGE — Two constitutional attorneys who have been fighting Gov. John Bel Edwards' mandate explained the legal position of their clients and the status of their cases at the Ronald Reagan Newsmaker Luncheon.

Jeff Wittenbrink of Baton Rouge and Jimmy Faircloth of Alexandria were optimistic that their clients will ultimately prevail. Wittenbrink represents Rev. Tony Spell of Life Tabernacle Church, who was arrested and charged with holding church services in violation of the governor's "mandates."

Faircloth is representing physicians and nurses in the Lafayette and Shreveport areas who have been told by their employers — Ochsner General and Our Lady of Lourdes Hospital in Lafayette, and Ochsner Health and University Health in Shreveport — that they will be terminated if they do not take a Covid vaccination.

Also attending the meeting was Louisiana Solicitor General Liz Murrill, who represents the citizens of the state on behalf of the Attorney General, Jeff Landry. Murrill was the main speaker at the subsequent meeting of the Ronald Reagan Newsmaker Luncheon. See story on Page 6.

The video of the meeting featuring Wittenbrink and Faircloth's can be viewed by clicking on the following QR codes:

CLICK HERE
Reagan Luncheon
Sept. 14, 2021
Jimmy Faircloth
Jeff Wittenbrink



Faircloth provided the *Central City News* with a copy of the brief he filed in his suit against the two hospitals in Shreveport. This brief represents the best legal analysis of the rights of employees in Louisiana facing forced vaccination orders by private or quasi-public institutions.

Jason Hayes

v.

**University Health &
Ochsner Health Shreveport**

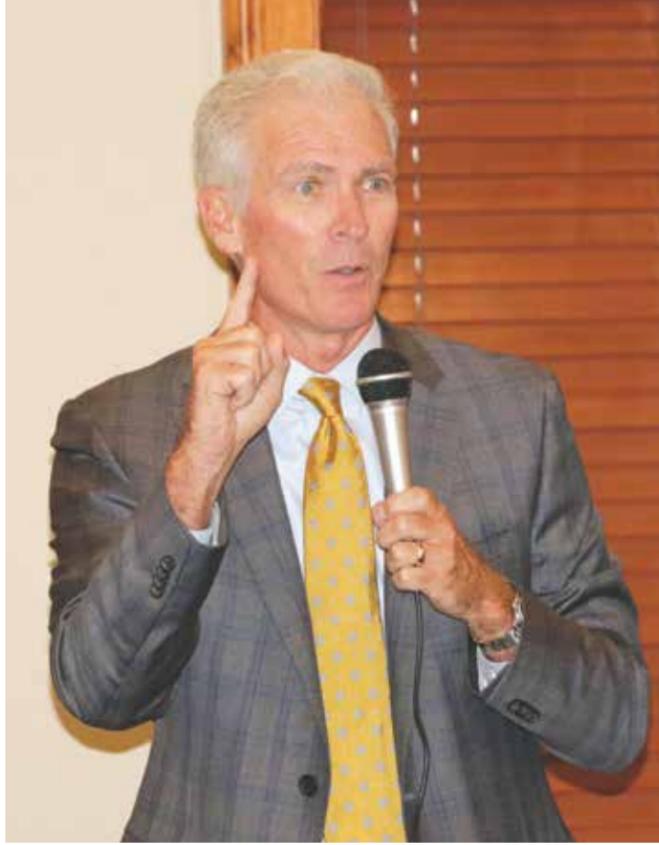
Judge Craig O. Marcotte

**Plaintiffs' Memorandum in
Opposition to Exception of No
Cause of Action, Exception of
No Right of Action, and Excep-
tion of Prematurity**

May It Please the Court:

A. Introduction

Defendant's exceptions are based on an inaccurate description of Plaintiffs' claims, avoidance of multiple sources of Louisiana authority, and reliance on inapplicable authority from other states interpreting laws not at issue in this proceeding. To be clear, Plaintiffs' claims



ATTORNEYS JIMMY FAIRCLOTH (left) AND JEFF WITTENBRINK explain why both the Louisiana Constitution and statutes of the state are all of the side of their clients, who are fighting Gov. John Bel Edwards' mandates. Faircloth represents physicians and nurses who are being threatened with termination for refusing to follow orders to take Covid vaccines from Ochsner General in Lafayette and Shreveport, as well as Our Lady of Lourdes in Lafayette. Wittenbrink represents Rev. Tony Spell of Life Tabernacle Church who was arrested for holding church services and still faces criminal charges. He also represents Firehouse Barbecue of Watson which refused to require masks of its staff or its customers. Firehouse owner Danielle Bunch has never been charged with an offense.

are based on the fundamental right of each person to make healthcare decisions under Louisiana law; in particular the right to refuse medical treatment.

This right is recognized in three sources of authority:

(1) **Article 1, § 5 of the Louisiana Constitution.**

(2) **The Louisiana Medical Consent Law, La. R.S. 40:1159.7.**

(3) **General privacy tort law.**

Each source has been addressed by the Louisiana Supreme Court. The claim for injunctive relief is limited to the first two sources, **Article 1, § 5 and R.S. 40:1159.7**, both of which create an affirmative right to refuse medical treatment. Plaintiffs seek to enforce clearly established Louisiana law, not to break new ground.

Moreover, Defendant's description of the vaccine mandate as a "choice" is squarely defeated by its own directive: "Any employee, leader or provider who does not receive the vaccination within the specified timeline will be subject to disciplinary action, including termination."

By its clear terms, the mandate is an employment directive under threat of discipline; a forced choice intended to coerce compliance. The very purpose of informed consent is to provide persons "the freedom to personally decide intelligently, voluntarily and without coercion whether to undergo the recommended treatment." *Snider v. Louisiana Med. Mut. Ins. Co.*, 2013-0579 (La. 12/10/2013); 130 So. 3d 922, 930 n.7.

Defendant's mandate is unquestionably intended to drive that decision.

Third, violation of an affirmative constitutional or statutory right causes *per se* irreparable harm. See *Jurisich v. Jenkins*, 99-0076, p. 4 (La. 10/19/99); 749 So. 2d 597, 599-600 ("Once a plaintiff has made a *prima facie* showing that the conduct to be enjoined is reprobated by law, the petitioner is entitled to injunctive relief without the necessity of showing that no other adequate legal remedy exists.").

Fourth, Defendant relies on Louisiana cases not involving the right to refuse medical treatment. No Loui-

siana court has ever suggested that *Hondroulis's* was wrongly decided or that the right to refuse medical treatment is only enforceable by certain persons in a limited context.

Further, Defendant's reliance on cases from other states is unassailable. This case concerns the assertion of rights under Louisiana law. To the extent that cases elsewhere provide context, the Court is directed to the recent decision by the Southern District of New York enjoining New York's vaccine mandate for healthcare workers based on the refusal to allow for religious exemptions. See *Dr. A, et al. v. Hochul*, et al., No. 1:21-CV-1009-DNH-ML (N.D.N.Y. Oct. 12, 2021), ECF No. 22.

★★★

B. Plaintiffs' Petition States a Cause of Action

1. *Hondroulis* Controls: **Article 1, § 5** Provides an "Affirmative Right to Refuse Medical Treatment

Article 1, § 5, of the Louisiana Constitution provides: "Every person shall be secure in his person, property, communications, houses, papers, and effects against unrea-



TOP ATTORNEYS FIGHTING ILLEGAL MANDATES BY GOV. JOHN BEL EDWARDS discussed the legal issues involved in challenging Edwards' actions. They are (left to right) Jeff Wittenbrink, who represents Rev. Tony Spell; Jimmy Faircloth, who represents physicians and nurses challenging vaccine mandates, and Louisiana Solicitor General Liz Murrill of the Attorney General's office.

La. Constitution, Informed Consent Laws

sonable searches, seizures, or invasions of privacy.” **La. Const. art. I, § 5**. It has been well-settled for over 30 years that this provision includes the affirmative right to decide whether to obtain or reject medical treatment, as expressly held by **Hondroulis v. Schuhmacher**, 553 So. 2d 398, 414 (La. 1989).

Louisiana’s right to privacy “is one of the most conspicuous instances in which our citizens have chosen a higher standard of individual liberty than that afforded by the jurisprudence interpreting the federal constitution.” **State v. Brennan**, 99-2291 (La. 5/16/00); 772 So. 2d 64 (quoting **State v. Hernandez**, 410 So. 2d 1381, 1385 (La. 1982)).

Prior to **Hondroulis**, there was an “open question” as to whether **Article I, § 5** extended to private conduct, as noted in **Jaubert v. Crowley**:

[**Article 1, § 5**’s] reference to a right to privacy represents a change from the language of earlier constitutions. A review of **Records of the Louisiana Constitutional Convention of 1973**: Convention Transcripts leaves open the question of whether the section was intended to provide constitutional protection against private conduct. Generally, the provision seems to have been drafted as a counterpart to the United States Constitution’s **Fourth Amendment** prohibition against governmental searches and seizures and other forms of “authoritarian intrusion.” **Transcripts, Vol. VI, 1072**. However, in **The Declaration of Rights of the Louisiana Constitution of 1974**, 35 La.L.Rev. 1 (1974),

Professor Hargrave concluded that the protection afforded by this provision is not limited to state action because the phrase “no law shall . . .” is conspicuously absent and because the provision does not appear among those sections dealing with procedural rights in criminal cases....” **Transcripts, Vol. VI, 1076**. 375 So. 2d 1386, 1388 (La. 1979) (addressing invasion of privacy as a tort) (emphasis added).

A decade later, the issue was squarely addressed in **Hondroulis**, which involved the interpretation of the **informed consent statute**. The Court began its analysis by observing that “[t]he informed consent doctrine is based on the principle that every human being of adult years and sound mind has a right to determine what shall be done to his or her own body.” Id. at 411.

After canvassing federal law and the laws of other states, the Court concluded that “[t]he decision to obtain or reject medical treatment clearly should be recognized as falling within this cluster of constitutionally protected choices.” Id.

This decision, according to the Court, is “an intrinsically personal decision. The patient alone must live with his disorder, encounter the risks of therapy or reap the consequences of treatment. By the same token, the choice will profoundly affect his or her development or life. It may mean the difference between life and death, pain and pleasure, poverty and economic stability.” Id. at 414-15.

The Court further explained that the language of **Article 1, § 5** “was intended to establish an affirmative right to privacy impacting non-criminal areas of law[.]” Id. (emphasis added).

Leaving no doubt, the Court ex-



KEY LEGISLATORS FIGHTING JBE MANDATES listened attentively to attorneys Jimmy Faircloth and Jeff Wittenbrink during the Ronald Reagan Newsmaker Luncheon. Shown are Rep. Kathy Edmonston (left) of Ascension Parish and Rep. Valarie Hodges who representative Central and Watson. Others in the photo are Mark Ballard of the **Advocate** and Erin Sandefer.

pressly held: “we conclude that the **Louisiana Constitution’s right to privacy** also provides for a **right to decide whether to obtain or reject medical treatment.**” Id. at 415 (emphasis added).

The following year, in **Moresi v. State, Dep’t of Wildlife and Fisheries**, 567 So. 2d 1081, 1093 (La. 1990) (involving a search and seizure), the Court explained the meaning of an “affirmative” right under **Article 1, § 5**:

By its clear terms, the constitution explicitly protects every individual’s “person [and] property” from unreasonable searches, seizures, and “invasions of privacy”, thereby affirmatively establishing a **right to privacy beyond the domain of criminal procedure**. Hargrave, **Declaration of Rights**, 35 La.L.Rev. 1, 20 (1974). The section establishes an **affirmative right of privacy** impacting on non-criminal areas of the law. Id.; **Hondroulis v. Schuhmacher**, 546 So.2d 466, 473 (La.1989); (additional citations omitted). This affirmative aspect is indicated by the placement of the article deliberately apart from the other criminal procedure guarantees in Sections 13–21. Hargrave, supra. Moreover, the expression “no law shall” was not used, indicating that the protection goes beyond limiting state action... 567 So. 2d at 1093 (emphasis added).

The Court returned to the **informed consent doctrine** in **Roberson v. Provident House**, 576 So. 2d 992 (La. 1991), and again recognized the holding in **Hondroulis**: “Recently, this Court concluded that the right to privacy contained in **Art. 1, § 5** of the 1974 Louisiana Constitution protects an individual’s right to decide whether to obtain or reject medical treatment. **Hondroulis v. Schuhmacher, M.D.**, 553 So. 2d 398, 410 (La. 1988), on rehearing (La. 1989).” 576 So. 2d at 994. **Roberson** affirmed a battery claim based on a physician’s insertion of an in-dwelling catheter over a patient’s objection.

Multiple appellate courts have recognized the constitutional right to refuse medical treatment in cases involving both public and

private actors. In **Boyd v. Louisiana Med. Mut. Ins. Co.**, 593 So. 2d 427 (La. App. 1 Cir. 1991), writ denied, 594 So. 2d 877 (La. 1992), the parents of an infant who contracted polio after being vaccinated with the Sabin oral vaccine sued a physician for failing to inform them of the risks and alternatives, including the Salk vaccine. The jury returned a verdict for the parents.

The court of appeals found sufficient evidence to support the jury’s finding that **the physician breached his duty to inform of the risk and alternatives**, but a lack of evidence on causation (that a reasonable person so informed would have opted differently). In doing so, the court recognized “[t]he patient’s right to decide whether to obtain or to refuse medical treatment is a fundamental right protected by **Article I, Section 5 of the 1974 Louisiana Constitution.**” Id. at 429 (citing **Hondroulis v. Schuhmacher**, 553 So. 2d 398, 411 (La. 1988)).

In **Ciko v. City of New Orleans**, 427 So. 2d 80 (La. App. 4 Cir. 1983), the plaintiff sued the defendant for police brutality and failing to provide medical assistance. As to the medical assistance claim, the court found the police had no duty to provide care over the plaintiff’s refusal. “**The police do not have the authority to force anyone, even those who are visibly injured, to receive medical treatment. Louisiana law gives all persons over the age of 18 the right to refuse medical treatment as to their own person.**” Id. at 82. “**An individual may choose to decline medical treatment for a variety of reasons.** While the appellant in this case may have seemed disoriented this should not give the police the right or the duty to substitute their judgment for that of the injured person. To do so would violate **the individual’s right to refuse treatment which is protected by law.**” Id. This reasoning applies with equal force to employers.

State v. Fisher, 93-0175 (La. App. 1 Cir. 11/24/93); 628 So. 2d 1136, writ denied, 637 So. 2d 474 (La. 1994), is also instructive. In

that case, the court denied a motion in a criminal case to suppress evidence of cocaine discovered when the defendant’s stomach was pumped before his arrest. The court allowed the evidence, because the “defendant’s stomach was pumped as a result of the actions of the doctor and other hospital personnel, private persons who acted independently of law enforcement authorities.” Id. at 1140–4. Importantly, the court recognized that “**a patient’s right to decide whether to obtain or refuse medical treatment is a fundamental right protected by the Louisiana Constitution.**” Id.

Hondroulis remains good law and is widely considered the “seminal case” on Louisiana’s law of informed consent. See **McDougal v. St. Francis N. Hosp., Inc.**, 48,955, p. 12 (La. App. 2 Cir. 4/9/14); 137 So. 3d 1233, 1240. See also, **Dehart v. Jones**, 19-789, p. 62 (La. App. 3 Cir. 12/16/20); 310 So. 3d 659, 694.

Although the constitutional analysis by **Hondroulis** appears to have given way to the less problematic statutory right, there is no basis for disregarding the Court’s explicit holding that **Louisiana’s constitutional right to privacy includes the affirmative right to refuse medical treatment.** The Louisiana Supreme Court is the “final arbiter of the meaning of the state constitution and laws.” **State v. Peart**, 621 So. 2d 780, 790 (La. 1993) (quoting **St. Paul Fire & Marine Ins. Co. v. Smith**, 609 So. 2d 809, 822 (La. 1992) (Dennis, J., concurring)). Thus, the constitutional right recognized in **Hondroulis** stands, unless and until the Court says otherwise.

2. The Statutory Right to Refuse Medical Treatment

The **Louisiana Medical Consent Law**, La. R.S. 40:1159.7, codifies the right to individual autonomy over health care decisions by expressly protecting the right to refuse treatment:

Right of adult to refuse treatment as to his own person not abridged

“Nothing contained herein shall be construed to abridge **any right of a person eighteen years of age**

See LOUISIANA on Page 28

Louisiana Constitution, Statutes Provide Unique Case Against Vaccine Mandates

Continued from Page 27

or over to refuse to consent to medical or surgical treatment as to his own person.”

This statutory right was recognized by the Supreme Court in *Le-mann v. Essen Lane Daiquiris, Inc.*, 05-1095 (La. 3/10/06); 923 So. 2d 627, 635-36, and *Snider v. Louisiana Med. Mut. Ins. Co.*, 2013-0579 (La. 12/10/2013); 130 So. 3d 922. See also *Nordgren v. State of Louisiana*, No. 53,480 (La. App. 2nd Cir. 7/22/20); 300 So.3d 473, 479.

At bottom, the statute accomplishes the same result by creating an affirmative right over personal medical decisions. The language “Nothing contained herein shall be construed to abridge” makes clear that the right is not limited to the physician-patient relationship; otherwise, the statute would serve no purpose. If the right does not otherwise exist, what is preserved? As emphasized in *Snider*, “[t]he informed consent doctrine is based on the principle that every being of adult years and sound mind has a right to determine what shall be done to his or her own body.” 130 So. 3d 922, 930 (citing *Hondroulis*). This “principle” is the gravamen of both the R.S. 40:1159.7 and the *Hondroulis* interpretation of Article 1, § 5.

This principle is also codified elsewhere. For instance, the Louisiana Advance Directives statute authorizes use of a do-not-resuscitate declaration in which the patient expresses his or her “legal right to refuse medical or surgical treatment and accept[s] the consequences of such refusal.” La. R.S. 40:1151.2. The Louisiana Military Advance Medical Directive includes the same language. See La. R.S. 40:1153.2. And the nursing home Residents’ Bill of Rights statute requires that all nursing homes publish a statement of affirmative rights for all residents, including “[t]he right to be adequately informed of his medical condition and proposed treatment; to participate in the planning of all medical treatment, including the right to refuse medication and treatment; and to be informed of the consequences of such actions.” La. R.S. 40:2010.8(6).

3. An Affirmative Right Means No State-Action Limitation or At-Will Defense

The Defendant argues that whatever the source and scope of the right to refuse medical treatment, such a right is not enforceable against a private at-will employer. This issue turns on the difference between an “affirmative” right of the individual and a mere restriction on the authority of government, as explained in *Hondroulis* and its progeny.

First and foremost, Article 1, § 5 expressly applies to everyone. See La. Const. art. 1, § 5 (“Every person shall ...”). There is no support for the proposition that *Hondroulis* sought to exclude anyone from this right. It would turn the Equal Protection Clause on its ear to hold that the Constitution itself somehow impliedly discriminates in the granting of affirmative rights. As noted in *Moresi*, that the right to refuse medical treatment is affirmative means it is enforceable against both public and private

violators. 567 So. 2d at 1093 (the omission of the expression “no law shall” in Article 1, § 5 “indicat[es] that the protection goes beyond limiting state action.”). Simply put, there is no state-action defense to a violation of an affirmative right. It cannot be otherwise.

Defendant cites a line of cases involving other types of privacy claims, not the right to refuse medical treatment. For example, *Brennan v. Bd. of Trustees for Univ. of La. Systems*, 95-2396 (La. App. 1 Cir. 3/27/97); 691 So. 2d 324, 328, involved the right to privacy in a drug test and the right to due process; *Guilbeaux v. Guilbeaux*, 2008-17 (La. App. 3 Cir. 4/30/08); 981 So. 2d 913, involved a claim of stalking and harassment; *Hennig v. Alltel Commc’ns, Inc.*, 05-96 (La. App. 5 Cir. 5/31/05); 903 So. 2d 1137, involved the disclosure of cell phone records; *Haith v. City of Shreveport*, No. 03-2128, 2005 WL 2140583 (W.D. La. Sept. 1, 2005), involved disclosure of a video tape; and *Parks v. Terrebonne Par. Consol. Gov’t*, 759 F. App’x 220 (5th Cir. 2019), involved a drug test. At most, these cases may support an argument that Article 1, § 5 does not extend to other types of privacy claims; that *Hondroulis* is limited to the right to refuse medical treatment. Perhaps, but *Hondroulis* is squarely on point to the issue before this Court. It is binding authority.

Second, the statutory right to refuse medical treatment likewise belongs to “every being of adult years and sound mind” as restated in *Snider*, 130 So. 3d at 930. Every person means every person, not every person in the public sector.

Third, Defendant’s at-will employment defense fails for the same reason as the state-actor defense. The at-will doctrine does not grant a license to abridge protected rights. No employer—private or public—can threaten to fire an employee for exercising a protected right, or require an employee to forego the exercise of a protected right as a condition of employment. “An employee cannot be discharged in violation of statutory or constitutional provisions.” *Page v. Grambling State Univ.*, 98-31240 (La. App. 2 Cir. 12/9/98); 722 So. 2d 329, 331. As explained in *Quebedeaux v. Dow Chemical Co.*, 2001-2297 (La. 6/21/02); 820 So. 2d 542, the at-will doctrine “is tempered by numerous federal and state laws which proscribe certain reasons for dismissal of an at-will employee. For instance, an employee cannot be terminated because of his race, sex, or religious beliefs. Moreover, various state statutes prevent employers from discharging an employee for exercising certain statutory rights, such as the right to present workers’ compensation claims.” Id. at 545. This list of limitations must include the affirmative constitutional and statutory right to refuse medical treatment.

4. Defendant Has No Authority to Impose the Mandate

Stripped of strained reliance on the at-will doctrine, Defendant cites no Louisiana authority supporting a vaccine mandate over the objection of employees. Cases from other states applying the laws of other states are not authoritative, particularly in the face of a controlling

constitutional interpretation by the Louisiana Supreme Court and legislation squarely on point.

The closest Louisiana authority on vaccine mandates is a series of statutes providing for vaccination in certain situations, all of which recognize the ultimate right of the individual to decline treatment. For example, under La. R.S. 17:710, schools may require vaccination of students but must allow opt-outs based on “a written dissent from the student or his parent or guardian.” R.S. 17:710(E). Similarly, a special statute providing for immunization against meningococcal disease allows students and parents to opt-outs for “personal reasons.” La. R.S. 17:710.1(C)(1). And a statute requiring that hospitals vaccinate newborns for certain preventable diseases allows parents to simply decline. La. R.S. 40:2022.

In sum, these statutes authorize the use of vaccines in limited circumstances, but only if the recipient agrees, thus respecting the fundamental right of individuals to make the ultimate decision.

The Defendant’s Mandatory Vaccine Plan openly and defiantly undermines Plaintiffs’ fundamental right to refuse medical treatment by expressly threatening “disciplinary action” against non-compliant workers. This overt threat destroys any argument that Defendant is merely offering a lawful “choice.” As stated by Justice Ginsburg, “discipline means punishment for misconduct; it rests on a finding of wrongdoing.” **An employer cannot punish employees for exercising a protected right.**

5. Defendant’s Broad Mandate is Facially Unreasonable

Article 1, § 5 guards against “unreasonable searches, seizures, or invasions of privacy.” Thus, “[t]he reasonableness of any intrusion on an individual’s privacy depends on a balance between the public interest and the individuals right[.]” *State v. Surtain*, 2009-1835 (La. 3/15/10); 31 So.3d 1037, 1043. See also, *Gannett River States Publishing d/b/a The Times v. Hussey*, 557 So.2d 1154, 1157-58 (La. App. 2nd Cir. 1990).

Plaintiffs plainly allege that Defendant’s mandatory vaccination policy is unreasonable in its objective and scope based on legitimate questions about the waning efficacy of vaccines, the potential risks, the durability of natural immunity, the inability to prevent transmission by vaccination, and the lack of rationale for vaccinating all workers (including remote employees and those who have already recovered from the disease), as opposed to a more targeted group.

Above all else, the unreasonableness of the mandate is demonstrated by the lack of an alternative for testing. As alleged in the Petition at Paragraph 38, “testing of employees is a far more effective, and less intrusive, means of protecting the workplace. If the objective is to protect patients and staff from exposure to infection, why not simply require testing and bar infected persons from the hospital during quarantine?”

Even the much-anticipated “federal mandate” directed by President Biden will allow for weekly testing as an alternative to

mandatory vaccination, as reported today.

C. Plaintiffs Jason Hayes, Nicoletta Hayes, and Brian Martin Have a Right of Action

Defendant argues that these Plaintiffs have no right of action because they are not employees of Ochsner. This argument disregards the allegations of the Petition and the scope of Ochsner’s Mandatory Vaccination Plan.

First, in Paragraph 1 of the Petition, Plaintiffs alleges: “Plaintiffs are the following employees, staff, and contract workers of University Health Shreveport, LLC D/B/A Ochsner LSU Health ...” These Plaintiffs are contract workers of the hospital.

Second, according to Defendant, its Mandatory Vaccination Plan applies to “all physicians, APPs and all employees, vendors, contracted staff” and others. See Petition at paragraph 33.

D. Plaintiffs Request for an Injunction is Ripe for Adjudication

Defendant’s claim of prematurity is misplaced under these circumstances, where Plaintiffs seek to enjoin Defendant’s enforcement of an unlawful policy that threatens fundamental rights. Furthermore, the request for a declaratory judgment is unquestionably timely. *Davis v. Town of St. Gabriel*, 2001-0031, p. 8 (La.App. 1 Cir. 2/15/02); 809 So.2d 537, 542, writ denied, 2002-0771 (La. 10/14/02); 827 So.2d 420, and writ denied, 2002-0803 (La. 10/14/02); 827 So.2d 420 (overruling exception of prematurity that turned on whether a building permit was unlawful).

“The dilatory exception of prematurity provided in La.Code Civ. Proc. art. 926 questions whether the cause of action has matured to the point where it is ripe for judicial determination, because an action will be deemed premature when it is brought before the right to enforce it has accrued.” *LaCoste v. Pendleton Methodist Hosp., L.L.C.*, 2007-0008, p. 5 (La. 9/5/07); 966 So.2d 519, 523.

The right here has clearly accrued. The test is whether Plaintiff will suffer irreparable harm in the absence of an injunction. Forcing Plaintiffs to wait until they are fired will render an injunction moot. To be clear, Plaintiffs seek injunctive relief to prevent irreparable harm threatened by Defendant, not to prevent potential economic harm.

E. Conclusion

For the reasons set forth in Plaintiffs Verified Petition and herein, Plaintiffs respectfully request that the Court overrule Defendant’s Exceptions of No Cause of Action, No Right of Action and Prematurity.

Respectfully submitted,
Faircloth Melton Sobel
& Bash, LLC

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7 p.m. Friday, Oct. 22
Central City News on Facebook

Tim Spell: Soldier, Singer, Musician

Well Known for Music, Singing, Tim Spell Paid Heavy Price for His Military Service

CENTRAL — Timothy “Tim” Charles Spell II, 46 years old, beloved son, brother, uncle, nephew, and friend, was called to be with his Lord and Savior, Jesus Christ, on October 6, 2021. He entered this world on November 9, 1974, born to Jeannie and Timothy Spell, Sr., in Baton Rouge, LA.

He was a member of Life Tabernacle in Central. He honorably served his country in the U.S. Army, with his basic training in Fort Leonardwood, MO and Fort Drum, NY. He was stationed on the DMZ in South Korea, serving as an Army Ranger. He was in the top three of his regiment as a Sharpshooter.

During a training mission, he fell from a helicopter and suffered serious injuries that plagued him the rest of his life.

He was a 1993 honors graduate of Zachary High School and attended Louisiana College in Pineville, LA. From a young age his love of music took off, singing all over the country with his father and brothers. He was a member of The McGruders, playing percussion, and The Manuel Family Band, as bass player. He continued later in life playing bass and percussion as the backbone of



Timothy Charles “Tim” Spell II passed away October 6, 2021 at his home.

the Life Tabernacle Church Band. He was recognized as a singer and musician with remarkable ability.

Tim is survived by his loving parents, Timothy and Jeannie Spell; brothers, Johnny Spell and wife, Brianne and Tony Spell and wife, Shaye; maternal grandmother, Ruth Colbey; paternal grandfather, Bishop BA Spell; loving nieces and nephews, Chaney Copeland and husband, Jordan, Noah Spell, Judah Spell, Madelyn Spell, Mia Spell, Tucker, Drake, and Stran Johnston; great nephews, Atlas Copeland and Cyrus Copeland; many cousins, uncles, aunts and friends; also, previous spouses, Marcie Young and Ann Siribandan.

Tim is preceded in death by his maternal grandfather, Earl N. Colbey; paternal grandmother, Dorothy E. Spell; Uncle, Eddy Colbey; cousin, Matt Spell; and close friend and mentor, Brent Cole.

Relatives and friends joined the family for the visitation at Life Tabernacle Church, 9323 Hooper, on Monday, October 11, 2021 until the Funeral Service conducted by Pastor Tony Spell. The graveside service and burial followed on Tuesday, October 12, 2021 at Louisiana National Cemetery, in Zachary.



Services for Timothy Charles Spell II
November 9, 1974-October 6, 2021

Funeral at Life Tabernacle • Graveside Services at National Cemetery • Video by Kim Powers



Dr. Holmes Disputes Story on Covid Deaths

CENTRAL — The September 2021 edition of the *Central City News* published a story which read as follows:

“During a debate on whether students in Central schools should be required to wear masks eight hours

a day, Central School Board member Dr. Keith Holmes told his fellow board members that 4 percent of the members of Central’s school staff had died because of COVID. He said the main purpose of masks was to protect teachers, not stu-

dents. However, his numbers were wrong. Only 4/10ths of 1 percent of the Central staff died because of COVID, or about the national average.”

“During a public hearing before the Central School Board’s Human Resources Committee, Dr. Holmes told fellow board members,

“I’m not overly concerned about the students. I know everybody’s worried about the students, but the ones we’re really protecting are those teachers. They’re important for our school system too. And we have the burden of responsibility to protect them, as well as the students. And we’ve had two teachers die from COVID in the last 12 months. Now, is that a lot? Well, out of 500, that’s already 4 percent.”

“However, the actual percentage was .4 percent, or 1/10th of what Dr. Holmes told the board. In an interview with the *Central City News*, Dr. Holmes acknowledged the mistake and that the number was in line with the national average of all adults. Dr. Holmes was correct that students have not been greatly affected by COVID. Since the pandemic began in March 2020, only 10 people under 18 have died in the State of Louisiana with COVID and all 10 of those had serious comorbidities.”

“However, the question remains, If students are not affected by COVID and if COVID has been no greater threat to the adults working in the school system than adults working anywhere else, why are students being required to mask all day?”

After the article ran, Dr. Holmes contacted the *Central City News* and said the story was unfair because it made it look like he intentionally misled the public. Also, he

said that he immediately corrected his statement, and that everyone knew he had corrected it.

Because he felt so strongly, we reviewed the audio and video of the meeting, which was recorded by the *Central City News*. Readers can play the QR code at the end of article to familiarize themselves with the Central School Board meeting in question.

The video shows Dr. Holmes made his remark at 18:45 into the meeting. At 37:55, it was a parent, Mr. Rich Hopkins, not Dr. Holmes, who corrected Dr. Holmes’ statement. Mr. Hopkins said, “Sir, it is a shame that two teachers died. However, that’s not 5 percent, it’s .4 percent.” Dr. Holmes then spoke over Mr. Hopkins and said, “It’s point 4, excuse me.”

However, if you listened to Dr. Holmes’ remarks, he built his entire case for mandatory masking of students on the fact that 4 per cent of Central teachers died from Covid. After acknowledging his mistake quickly after Mr. Holmes pointed it out, he did not retract anything he said about the need for masking.

Our point was not to suggest Dr. Holmes was intentionally misleading people at the meeting. In fact, we said in the initial story that he acknowledged the mistake. Our point was that he built his case for mandatory masking based on a 4 percent death rate among Central teachers. Then after realizing it was only .4 percent, he persisted in arguing for mandatory masks.

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Video of Central School Board Meeting Aug. 25, 2021



Eleanor Mondart Walker Turns 101

CENTRAL — Family and close friends gathered to celebrate year 101 for Eleanor “Buddy” Mondart Walker.

Eleanor was born Sept. 26, 1920 in Magnolia, Louisiana, later known as Greenwell Springs. She has been a loving wife, mother, grandmother, aunt, and friend for now over 101 years.

Her parents were Haney Guy and Mattie Forbes Mondart. She is the oldest of four sisters, who were her best friends. Thelma Tridico Bush, Lou Digirolamo, and Gayle Passman. She had one son, Charles Roberts, four grandchildren, eight great-grandchildren, and numerous nieces and nephews whom she loves dearly. She is a member of Greenwell Springs Baptist Church in Central.

Eleanor graduated from the LPN program at Baton Rouge Vo Tech and worked at Baton Rouge General Hospital and Dixon Memorial Hospital for many years. She loved nursing.

In fact, although she didn’t mind country living, she recalls leaving the house one morning after helping to cut corn, which she hated with a passion, to go on an interview at the Baton Rouge General. The gentleman told her she had the job and could she come to work that day. She said “yes” and promptly went home to tell her sisters they would have to finish cutting corn because she was going to work. They didn’t believe her and were so mad when she left for work a few minutes later with a big smile on her face.

This week, she shared some observations. Of all the inventions in her lifetime, she said electricity was the most important one because once they got it, they could do all kinds of things. It really opened their world.

Growing up, she had friends at school but her best friends were her sisters. She recalled the bus driver Boon Morgan would drop them off in the afternoon from school and



Eleanor “Buddy” Mondart Walker Celebrates 101st Birthday.



Family and friends surround “Buddy” on her special day!

they would run change clothes so they could walk over to her grandmother’s house who always had fresh cookies in the safe. She was usually just finishing milking the cow and would squirt them when they tried to get a taste.

Even though they rode the bus to school, when they were young most of their trips to town were in a wagon. She can recall crossing the Comite River one night coming home when it was raining. Her dad had to get out and help the horses pull the wagon out of the mud. By the time they got home they were all cold and wet. Her mom got them all fresh clothes and then took some irons that she had

warmed by the fire, wrapped them up and put them at their feet in the bed to help warm them up.

When asked who influenced her the most, she said it would have to be her mother. She was her mother, her friend, and her confidant — she was everything to her! She recalls her mother being strong in her faith and made sure they went to church on Sundays.

Her mother gave her the advice she feels was the most important in her life. She said not worry about anything, to help the things you could help and leave the rest alone. It was ok to “be concerned”, but just let God take care of things, and besides that, worrying gave

you wrinkles! She also taught her and her three sisters to love each other all the time no matter what, that love was the most important thing that anyone could share with you.

The most memorable time in her life was when her son Charles was born. He was her heart, she loved him so much. He was a good kid, and her sisters loved spoiling him. She divorced his dad while he was still young. Later she went back to school to get her nursing degree so she could support them and later put him through college. She remembers it was tough, but worth it all when he graduated from LSU in Petroleum Engineering. She was so proud!

She said no marriage was perfect, but God needed to be a part of the marriage and a real part of your life. She is a member of Greenwell Springs Baptist Church, where her sister Lou was the secretary for over 35 years.

God blessed Buddy so much over the years, but also gave her peace through tough times, like when she lost her son Charles when he was only 48. She said no matter how tired she is at night, the

See ELEANOR on Page 31



A little cake for the birthday girl.

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Kevin Smith, Jessica McCallum Wedding Celebrated July 10 in Brookhaven, Miss.

CENTRAL — Surely the Presence of the Lord was felt at the lovely outdoor wedding of Kevin Michael Smith of Mendenhall, MS and Jessica Suzanne McCallum of Central, LA, on July 10, 2021. The 6 p.m. ceremony was held on the front porch at the home of Brenda and Bruce Smith, parents of the groom, in Brookhaven, MS.

Jessica is the daughter of Dana and Bill Boeneke of Prairieville, LA and Eric and Loretta McCallum of Beaumont, TX. Jessica's grandparents are Faye and Clay Durbin of Central, Bonnie McCallum and the late Danny McCallum of Bueche, LA, and Pamela and Albert Sanchez of Port Allen, LA.

Kevin is the son of Brenda and Bruce Smith of Brookhaven, MS. Kevin's grandparents are Mary Nell Hart Smith, Harahan, LA, the late James A. Smith, Brookhaven, MS, and the late Vivian and Vernon L. (Bill) Welch, Magee, MS.

The bride was escorted down the front door walkway by her father with family and friends seated on each side. Jessica was given away by her mother and her father.



Mr. and Mrs. Kevin Michael Smith

Attending Jessica as Maid of Honor was her sister, Elise McCallum. Bridesmaids were Emily Tong, and Hayley Zimmerman. Flower girls were nieces of the Bride, Kensley Tarver and Kennedy McCallum. Kevin's father, Bruce Smith, served as his Best Man, and Kevin's brother, Jeff Smith, as his Groomsman.

Reading Scripture during the ceremony were nephews of Bride and Groom, Briggs Smith, Nicholas Tarver, and Tucker Smith. Ella Daniel, niece of the groom, read Scripture at the beginning of the reception.

The ceremony was officiated by longtime family friend and pastor of the Bride's family, Rev. Nelson Santa Ana of Wesson Baptist Church, Wesson, MS. Music was provided by Toni Black, friend of the Bride's family.

Guests were invited to the outdoor reception on the side yard of the home after the ceremony, and were served delicious jambalaya and a variety of side dishes. A beautiful three-tier wedding cake, baked and decorated by the Bride, and a unique Groom's tree cake, designed and built by the Groom, were the highlights of the reception.

After a honeymoon trip to Arkansas, the couple now reside in Mendenhall, MS.

And whatever you do, in word or deed, do everything in the Name of the Lord Jesus, giving thanks to God the Father through Him. Colossians, 3:17

Family Fall Festival Galilee Baptist Church

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Eleanor Walker

Continued from Page 30

last thing she does before she goes to bed is read her Bible and say her prayers. She feels it's the least she can do after all He has done for her.

She said she doesn't have any big regrets in life. She knows we would all make a few decisions differently if we could, but all in all she feels she's had a good life, been very blessed and loved by many.

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We know that the storm isn't over until every light is turned back on. The Entergy team continues to work 24/7 to make that happen as soon as possible.

To our line crews from near and far, to the public agencies that provided the leadership and support for a successful and safe restoration, and most of all to you, our more than 1 million customers – thank you.

Together, we power life.



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