



COLLEGE OF LAW

Stuart H. Smith Law Clinic and Center for Social Justice

May 7, 2018

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Louisiana Ethics Administration Program
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Orleans Parish District Attorney Leon A. Cannizzaro, Jr.
619 South White Street
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New Orleans City Council
1300 Perdido Street
New Orleans, LA 70112

Re: Request for Investigation into Legality of Paid Actors at City Council Public Meetings

Dear Public Officials:

This letter is a complaint and request for an investigation into possible legal and ethical violations arising from the hiring of professional actors to take up seats and speak from scripts as though they were concerned citizens at two public meetings convened by the New Orleans City Council on October 16, 2017 and February 21, 2018.

Over the last few months, disturbing details have emerged indicating that professional actors, some of whom reside outside of New Orleans and Louisiana, were paid to attend and participate in public meetings convened by the New Orleans City Council relating to the proposal by Entergy New Orleans, Inc. to build a gas plant in New Orleans East.¹ Some of these details are provided in a pending Open Meetings Law enforcement action filed on April 18, 2018, in Civil District Court for the Parish of Orleans, Case No. 18-3843. *See Attachment 1, Petition to Enforce the Louisiana Open Meetings Law, for Declaratory Judgment, Injunction, Attorneys'*

¹ Specifically, the New Orleans City Council public meetings concern the Application of Entergy New Orleans, Inc. for Approval to Construct New Orleans Power Station and Request for Cost Recovery and Timely Relief, Docket No. UD-16-02.

Fees and Costs, and Memorandum in Support (“OML Petition”) at p. 8 note 11, p. 23 note 78, and Exhibits 4 and 5. Other information has been published since then. See Attachment 2, Michael Isaac Stein, *Actors were paid to support Entergy’s power plant at New Orleans City Council meetings*, *The Lens* (May 4, 2018), <https://thelensnola.org/2018/05/04/actors-were-paid-to-support-entergys-power-plant-at-new-orleans-city-council-meetings/> (“*The Lens* article”).

As a whole, there is substantial evidence indicating that people or organizations recruited, trained, and paid cash to numerous actors to arrive early, take up seats and speak from scripts at two public meetings by the New Orleans City Council in order to influence the decision by the Council on whether or not to approve a proposed gas plant by Entergy New Orleans, Inc., and to prevent other members of the public from participating in the meeting. We understand that these actors were asked to sign non-disclosure agreements (“NDAs”) to prevent the fact of their participation from becoming public. See Attachment 3, *FB Messenger comms re paid actors for CNO public mtgs*. See also Attachment 2, *The Lens* article. These secret actions to influence government, if true, appear to contravene the law and are unethical.

Therefore, we write to ask you and your staff to investigate whether laws and ethical rules were violated as a result of hiring professional actors to take up seats and speak from scripts in an attempt to sway a decision by the New Orleans City Council. Furthermore, we request that your investigation include a search for the individual(s) responsible for hiring and compensating the professional actors and whether such individual(s) may have violated laws and ethical rules.

This request is filed by undersigned counsel on behalf of the Deep South Center for Environmental Justice, VAYLA New Orleans, Justice and Beyond, 350 New Orleans, and Sierra Club.

Evidence of Recruitment and Payment of Actors

There are at least four sources of evidence supporting this request for an investigation.

First, one professional actor admitted to being paid for his participation in one of the Council’s public meetings in a news interview with WWL-TV Channel 4.² Actor Andrew Wiseman, who appeared in the HBO series *Treme*, told WWL Channel 4 that he was paid \$120 in cash to attend a City Council meeting concerning Entergy’s proposed gas plant. Mr. Wiseman said that he was told to “Just sit down, wear a t-shirt, don’t talk, don’t open your mouth.”³ Mr. Wiseman “heard about the gig through one of his acting buddies” and said that they “weren’t told what they were going to be doing before they walked in the council meeting.”⁴

Second, an affidavit submitted in the Open Meetings Law enforcement action shows three professional actors who participated in one of the Council’s public meetings and their online

² See Kristin Pierce, *City Council could face lawsuit following public hearing on Entergy plant*, WWL-TV (Mar. 7, 2018), <http://www.wwltv.com/article/news/local/city-council-could-face-lawsuitfollowing-public-hearing-on-entergy-plant/526747370>.

³ *Id.*

⁴ *Id.*

acting profiles.⁵ Based on the WWL-TV Channel 4 report and his impression that some of the comments given by Entergy supporters at an October 17, 2017 public hearing concerning the proposed gas plant appeared scripted, attorney Michael L. Brown reviewed the video recording of the hearing to determine if any of the commenters speaking in favor of the plant were actors.⁶ Mr. Brown's internet search indicated that at least three of the commenters were professional actors.⁷

Third, The Lens article reported that “[a]t least four of the people in orange shirts were professional actors. One actor said he recognized 10 to 15 others who work in the local film industry. They were paid \$60 each time they wore the orange shirts to meetings in October and February. Some got \$200 for a ‘speaking role’”⁸ The Lens article provides troubling details into how this scheme worked and its intent.

Finally, we attach a series of screenshots showing Facebook Messenger communications regarding the acting job between what appears to be a recruiter and a prospective actor. These communications, which are also largely included in The Lens article, indicate, among other things, that:

- Participating actors had to sign non-disclosure agreements or NDAs;
- An actor was told, “We need people to sit through part of a city council meeting to decide on building an additional turbine onto the local power plant The council already supports it, this is mostly just to show them that the citizens don’t have a problem with it. Free pizza and a round of drinks after it’s over, at which point pay will be dispersed in cash”;
- Speaking roles were available;
- An actor was repeatedly instructed to “Tell nobody you’re being paid” and later told “Do not mention NDAs or anything to anyone, and if someone approaches you with questions or attempts to talk to you, send them to one of us”;
- After participating in the Council’s public meeting on October 16, 2017, an actor was told that “There’s another project coming up on 2/21, 9am call time in New Orleans, \$60 for non speaking extras to sit in an auditorium” and “The meeting will take place at 601 Poydras St New Orleans, LA 70130 Payout location will be given out closer to the event”;
- Regarding the February 21, 2018 City Council public meeting, an actor was informed that the “Pay site will be about 2 blocks from the meeting spot,” that “You’ll be headed inside before the crowd members so you can get signed in and everything,” and that “You’ll get 200 cash”;
- An actor received talking points supporting Entergy’s plant to incorporate in a “1-3 minute speech,” including:

⁵ OML Petition at Exh. 4 (Affidavit of Michael L. Brown).

⁶ *Id.* at ¶ 14.

⁷ *Id.* at ¶ 16.

⁸ The Lens article.

- “We’ve had public meetings for two years now and talking this power station to death. The objections are far outweighed by the benefits.”
- “Entergy has been more than fair opening this process for public input.”
- “Let me thank the city council for giving the public ample opportunity to voice opinions on the power station.”

Possible Violations of Law

We are not saying that any of the paid actors violated any laws. Indeed, the actors may have thought they were participating in a simulation or movie of a city council meeting. We are saying that those who dreamed up these schemes, those who recruited actors to attend these public meetings, those who told the actors what to say, those who organized these productions, those who paid for these actors to sit in and speak out at these public meetings, and those who have attempted to keep these schemes secret, appear to have violated the law.

The Louisiana Constitution guarantees every citizen the right to observe the deliberations of public bodies, Article XII, Section 3. The Louisiana Open Meetings Law, Revised Statute 42:12, is designed to ensure state integrity and to increase the public’s trust and awareness of its governing officials. La. R.S. 42:12(A) states, “It is essential to the maintenance of a democratic society that public business be performed in an open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy. Toward this end, the provisions of this Chapter shall be construed liberally.”

It appears that in at least two public meetings convened by the New Orleans City Council, professional actors were directed to wear orange t-shirts with a printed message in support of Entergy’s gas plant and present public comments as though they were concerned citizens in support of the proposed Entergy gas plant. In each of those public meetings, real concerned citizens were denied access into the meeting room where they could observe and/or make comments for the purported reason that there were no seats available. The real concerned citizens either waited for as much as several hours to be allowed in the meeting room or left in frustration after considerable time spent waiting.

Secretly paying professional actors to attend a public meeting and pretend to support a cause and consequently preventing members of the public from observing or participating in public meetings are actions that egregiously contravene the Louisiana Constitution and the Open Meetings Law. Moreover, a full investigation of these actions may reveal that other laws, as well as ethical rules, were violated. We request that all possible violations of the law be fully investigated.

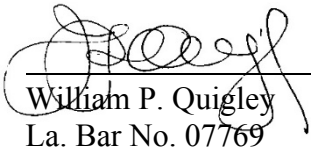
Fact Questions to Investigate

We ask that the following fact questions be formally investigated, by the use of subpoena, if necessary, so that the complete facts of this scheme be made public.

1. Who organized, recruited, directed, and paid cash to actors to attend and speak at public meetings of the New Orleans City Council?
2. Who compensated the people who organized, recruited, directed, and paid cash to actors to attend and speak out at public meetings of the New Orleans City Council?
3. Who drafted the nondisclosure agreements that try to keep the cash payments to actors secret?
4. How many actors were paid to attend and speak out at the City Council public meetings and how much was each person paid?

Thank you for your attention to this important matter. Please do not hesitate to contact us if you have any questions or concerns, or need additional information.

Sincerely,



William P. Quigley
La. Bar No. 07769

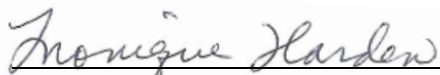
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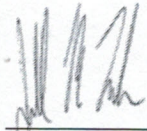
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