

APPENDIX

TABLE OF CONTENTS

APPENDIX A:	Order of the United States Court of Appeals for the Fifth Circuit Granting Summary Affirmance (No. 26-30243) (July 10, 2026).....	1a
APPENDIX B:	Order and Reasons of the United States District Court for the Eastern District of Louisiana (Apr. 22, 2026).....	3a
APPENDIX C:	Constitutional and Statutory Provisions Involved.....	23a
APPENDIX D:	Verified Complaint (E.D. La. R. Doc. 1) (Sept. 23, 2024)	30a
APPENDIX E:	Declaration of Christopher Dier (E.D. La. R. Doc. 47-2) (Oct. 11, 2024).....	53a

APPENDIX A

**United States Court of Appeals
for the Fifth Circuit**

No. 26-30243

(Filed July 10, 2026)

CHRISTOPHER DIER,
Plaintiff—Appellant,
versus

JEFFREY MARTIN LANDRY, Esq., *in his official capacity as Governor of the State of Louisiana*; ELIZABETH MURRILL, *in her official capacity as Attorney General of the State of Louisiana*; CADE BRUMLEY, *in his official capacity as the Louisiana State Superintendent of Education*; CONRAD APPEL, *in his official capacity as a member of the Louisiana State Board of Elementary and Secondary Education (“LSBESE”)*; JUDY ARMSTRONG, *in her official capacity as a member of the LSBESE*; KEVIN BERKEN, *in his official capacity as a member of LSBESE*; PRESTON CASTILLE, *in his official capacity as a member of LSBESE*; SIMONE CHAMPAGNE, *in her official capacity as a member of LSBESE*; SHARON LATTEN-CLARK, *in her official capacity as a member of LSBESE*; LANCE HARRIS, *in his official capacity as a member of LSBESE*; PAUL HOLLIS, *in his official capacity as a member of LSBESE*; SANDY HOLLOWAY, *in her official capacity as a member of LSBESE*; STACEY MELERINE, *in her official capacity as a member of LSBESE*; RONNIE MORRIS, *in his official capacity as a member of LSBESE*,

Defendants—Appellees.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:24-CV-2306

UNPUBLISHED ORDER

Before STEWART, RICHMAN, and HAYNES, *Circuit Judges*.

PER CURIAM:

IT IS ORDERED that Appellant's motion for summary affirmance is GRANTED.

IT IS FURTHER ORDERED that Appellant's motion to expedite consideration of the motion for summary affirmance is MOOT.

APPENDIX B

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF LOUISIANA

CHRISTOPHER DIER CIVIL ACTION

VERSUS NO: 2:24-cv-2306

**JEFFERY MARTIN SECTION: T (5)
LANDRY, et al.**

ORDER AND REASONS

Before the Court are Defendants' Motion to Dismiss (R. Doc. 41) and Plaintiff's Motion for Preliminary Injunction or, in the Alternative, Motion for Summary Judgment (R. Doc. 47). Having reviewed the record, the briefs, and the applicable law, the Court will **GRANT** Defendants' Motion to Dismiss and **DENY AS MOOT** Plaintiff's Motion for Preliminary Injunction/Summary Judgment for the following reasons. Additionally, Plaintiff's Motion to Expedite Consideration (R. Doc. 86) is **DENIED AS MOOT**.

I. FACTUAL BACKGROUND

This action stems from the passage of La. R.S. § 17:2124 ("H.B. 71" or "the Act"), which "require[es] the display of the Ten Commandments, subject to minimum requirements and school boards' discretion, in public school classrooms." R. Doc. 41-1, p. 8. H.B. 71 contains three main statutory directives, delineating (1) the placement and dimensions of an appropriate H.B. 71 display, (2) the specific Ten Commandments language to be featured on such a display, and (3) an accompanying context statement. La. R.S. § 17:2124(B)(1)-(3).

First, the Act dictates:

No later than January 1, 2025, each public school governing authority shall display the Ten Commandments in each classroom in each school under its jurisdiction. The nature of the display shall be determined by each governing authority with a minimum requirement that the Ten Commandments shall be displayed on a poster or framed document that is at least eleven inches by fourteen inches. The text of the Ten Commandments shall be the central focus of the poster or framed document and shall be printed in a large, easily readable font.

La. R.S. § 17:2124(B)(1). Next, the Act provides that each H.B. 71 display shall use the following version of the Ten Commandments:¹

“The Ten Commandments

I AM the Lord thy God.

Thou shalt have no other gods before me.

Thou shalt not make to thyself any graven
images.

Thou shalt not take the Name of the Lord thy
God in vain.

Remember the Sabbath day, to keep it holy.

Honor thy father and thy mother, that thy days
may be long upon the land which the Lord thy
God giveth thee.

Thou shalt not kill.

Thou shalt not commit adultery.

¹ The Act notes that “[t]he text of the Ten Commandments set forth in Subsection B of this Section is identical to the text of the Ten Commandments monument that was upheld by the Supreme Court of the United States in *Van Orden v. Perry*, 545 U.S. 677, 688 (2005).” La. R.S. § 17:2124(A)(6).

Thou shalt not steal.

Thou shalt not bear false witness against thy
neighbor.

Thou shalt not covet thy neighbor's house.

Thou shalt not covet thy neighbor's wife, nor his
manservant, nor his maidservant, nor his cattle,
nor anything that is thy neighbor's."

Id. at (B)(2). Third, the Act requires that each H.B. 71 display include a prewritten "context statement," which details the history of the Ten Commandments' use in public education. *Id.* at (B)(3).

The remaining provisions permit a school governing authority to display other historical documents, including the Mayflower Compact, the Declaration of Independence, and the Northwest Ordinance, along with the Ten Commandments in an H.B. 71 display, *id.* at (B)(4); clarify that the Act "shall not require a public school governing authority to spend its funds to purchase displays," as they shall either accept donated funds to purchase displays or accept donated displays, *id.* at (B)(5); direct the State Board of Elementary and Secondary Education to adopt implementation rules and to identify and post online free resources to assist school boards in complying with the act, *id.* at (B)(6).

II. PROCEDURAL HISTORY

Plaintiff, Christopher Dier, is a history teacher at Benjamin Franklin High School, a public school in New Orleans, Louisiana. R. Doc. 1, p. 1. On September 23, 2024, Plaintiff filed this suit against Governor of Louisiana Jeffrey Landry, Attorney General of Louisiana Liz Murrill, Louisiana State Superintendent of Education Cade Brumley, and eleven members of the Louisiana State Board of Elementary and Secondary Education

(“LSBESE”)² (collectively, “Defendants”). *Id.* at pp. 4-6. Plaintiff puts forward a pre-enforcement challenge under 42 U.S.C. § 1983 and argues that the Act violates three provisions of the First Amendment: the Establishment Clause (Count I), the Free Exercise Clause (Count II), and the Free Speech Clause (Count III). *Id.* at pp. 16-17.

Plaintiff first asserts that H.B. 71 discriminates against other faiths and people who are not religious. He alleges that the Act “endorses [] a Protestant Version of the Ten Commandments.” *See* R. Doc. 1 at pp. 10-14. Plaintiff puts forward statements and sources claiming that Jews, Catholics, and other Christians either do not accept this version or object to promoting the Commandments in a classroom setting. *Id.* at pp. 10-13. He includes “people in Louisiana [who] are not religious,” as he claims they do not necessarily adhere to these tenets. *Id.* at pp. 11-12. Plaintiff additionally finds using a particular Protestant Christian translation personally objectionable. R. Doc. 47-2, p. 5; R. Doc. 1, pp. 12-14.

Next, Plaintiff alleges that H.B. 71 imposes a requirement for “teachers . . . to post” and “display” the Commandments. R. Doc. 1, pp. 3-4, 8-9, 14-15; R. Doc. 47-2, p. 16-18. The remainder of Plaintiff’s allegations are best summarized as objections to exposure—the requirement that Plaintiff must see the Ten Commandments in an H.B. 71 display, daily in his classroom. *See* R. Doc. 1, pp. 14-15. He alleges H.B. 71 displays coerce or pressure him and his students to “venerate”, “proselytize”, “adopt”, or otherwise accept religious doctrine. *Id.* at pp. 3, 14. Plaintiff requests

² The additional named defendants are Conrad Appel, Judy Armstrong, Kevin Berken, Preston Castille, Simone Champagne, Sharon Latten-Clark, Lance Harris, Paul Hollis, Sandy Holloway, Stacey Melerine, and Ronnie Morris. R. Doc. 1, p. 5.

declaratory and injunctive relief to enjoin Defendants from “(i) implementing rules and regulations in accordance with the Act, (ii) otherwise seeking to enforce the Act, and (iii) requiring him to display the Ten Commandments in any public-school classroom.” *Id.* at p. 3.

On October 8, 2024, Defendants filed a Motion to Dismiss, seeking dismissal of Plaintiff’s Complaint both for lack of subject matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1) and on the merits under Rule 12(b)(6). R. Doc. 41. Specifically, Defendants argue that this Court lacks jurisdiction because Plaintiff’s claims are not ripe, Plaintiff lacks Article III standing, and Defendants are entitled to sovereign immunity. R. Doc. 41, pp. 4-11. They also argue that Plaintiff’s claims under the Establishment Clause, the Free Exercise Clause, and the Free Speech Clause all fail on the pleadings. *Id.* at pp. 12-25. Plaintiff filed a response in opposition to Defendants’ Motion, R. Doc. 57, and Defendants filed a reply in support, R. Doc. 58.

On October 11, 2024, Plaintiff filed a Motion for Preliminary Injunction or, in the Alternative, Summary Judgment. R. Doc. 47. Plaintiff’s Motion seeks either (1) a “preliminary injunction preventing the enforcement of” H.B. 71 or “summary judgment and a permanent injunction preventing the enforcement of H.B. 71 at Benjamin Franklin High School.” *Id.* at p. 1. Defendants filed a response in opposition to Plaintiff’s Motion, R. Doc. 65, and Plaintiff filed a reply in support, R. Doc. 69.

Meanwhile, the Middle District of Louisiana considered a case with similar issues. In *Roake v. Brumley*, several parents, as individuals and on behalf of their minor children, sued Superintendent Brumley, members of the LSBESE in their official capacities, and

five parish school boards, seeking to enjoin enforcement of H.B. 71 and arguing that the statute is facially unconstitutional under both the Establishment Clause and the Free Exercise Clause. 756 F. Supp. 3d 93, 112-14, 119-23 (M.D. La. 2024), *vacated by* No. 24-30706, 2026 WL 482555 (5th Cir. Feb. 20, 2026) (en banc) (per curiam). As here, the district court had before it a motion for a preliminary injunction filed by the plaintiffs and motions to dismiss filed by the defendants. *Id.* at 112-13. After reviewing First Amendment precedent, the Middle District concluded that H.B. 71 is facially unconstitutional, denied the motions to dismiss, and granted the motion for a preliminary injunction. *Id.* at 218-19. The Middle District’s injunction prevented defendants and their agents from “(1) enforcing H.B. 71; (2) adopting rules or regulations for the enforcement of H.B. 71; and (3) requiring that the Ten Commandments be posted in every public-school classroom in Louisiana in accordance with H.B. 71.” *Id.* at 219.

The *Roake* defendants appealed the Middle District’s entry of a preliminary injunction and denial of their motions to dismiss.³ *Roake v. Brumley (Roake Panel)*, 141 F.4th 614, 629 (5th Cir. 2025), *vacated on reh’g en banc*, 154 F.4th 329 (5th Cir. 2025). A panel of the United States Court of Appeals for the Fifth Circuit affirmed the district court’s decision. *Id.* at 626. The Fifth Circuit subsequently voted to rehear the case en banc and vacated the panel opinion. *Roake v. Brumley*, 154 F.4th 329, 332 (5th Cir. 2025). Finding that “the parents’ challenge turns on unresolved factual and contextual questions,” the en banc

³ The *Roake* defendants also appealed the Middle District’s decision to deny their motion to exclude plaintiffs’ expert testimony. *Roake v. Brumley*, 141 F.4th 614, 629 (5th Cir. 2025). Because that issue is beyond the scope of the present motion, it is omitted from the Court’s discussion of *Roake*.

court held that “equitable relief was premature” and therefore vacated the preliminary injunction and remanded for further proceedings. *Roake v. Brumley (Roake En Banc)*, 170 F.4th 292, 297 (5th Cir. 2026) (en banc) (per curiam).

On August 19, 2025, the Court stayed the instant matter pending the culmination of appeals in *Roake*. R. Doc. 82. After the Fifth Circuit issued its en banc *Roake* decision, the Court ordered additional briefing from the parties discussing the applicability of that decision to a resolution in the instant case. R. Doc. 83. Defendants submitted their briefing on March 11, 2026, arguing that the en banc Fifth Circuit’s decision in *Roake* compels denial of Plaintiff’s Motion and dismissal of this suit because, as in *Roake*, Plaintiff’s challenge is “premature,” and his claims are “nonjusticiable.” R. Doc. 84, p. 2 (citing *Roake En Banc*, 170 F.4th at 297, 300). Plaintiff submitted a response on March 18, 2026, arguing that *Roake* does not control the outcome of this case because his “claims are materially different from those of the plaintiffs in *Roake* and arise in a distinct posture.” R. Doc. 85, p. 5. Specifically, Plaintiff contends that a different result is warranted because (1) unlike the plaintiffs in *Roake*, who “were parents and students who objected to the religious effects of their anticipated exposure to H.B. 71 displays,” he is a teacher who “must comply with [H.B. 71’s] mandate or face professional discipline,” thus altering the ripeness analysis, and (2) he also brings a compelled speech claim that was not raised by the plaintiffs in *Roake* nor evaluated for ripeness by the Fifth Circuit. R. Doc. 85, pp. 5-13. Plaintiff has also filed an ex parte motion to expedite consideration of his pending motion. R. Doc. 86.

III. LAW AND ANALYSIS

a. Defendants' Motion to Dismiss (R. Doc. 41)

Defendants seek dismissal under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). R. Doc. 41, p. 1. Rule 12(b)(1) allows a defendant to seek dismissal based on the court's lack of subject matter jurisdiction, Fed. R. Civ. P. 12(b)(1), while the basis for dismissal of a complaint under Rule 12(b)(6) is its "failure to state a claim upon which relief can be granted," Fed. R. Civ. P. 12(b)(6).

Federal courts are courts of limited jurisdiction; therefore, they have the power to adjudicate claims only when jurisdiction is conferred by statute or the Constitution. *See Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 377, 114 S.Ct. 1673, 128 L.Ed.2d 391 (1994); *Stockman v. Federal Election Comm'n*, 138 F.3d 144, 151 (5th Cir. 1998). Under Rule 12(b)(1), "[a] case is properly dismissed for lack of subject matter jurisdiction when the court lacks the statutory or constitutional power to adjudicate the case." Fed. R. Civ. P. 12(b)(1). "Lack of subject-matter jurisdiction may be found in the complaint alone, the complaint supplemented by the undisputed facts as evidenced in the record, or the complaint supplemented by the undisputed facts plus the court's resolution of disputed facts." *Home Builders Ass'n of Miss., Inc. v. City of Madison, Miss.*, 143 F.3d 1006, 1010 (5th Cir. 1998). The court should determine whether subject matter jurisdiction is present before addressing any other issues, *Ramming v. United States*, 281 F.3d 158, 161 (5th Cir. 2001) (citing *Hitt v. Pasadena*, 561 F.2d 606, 608 (5th Cir. 1977) (per curiam)), and the plaintiff bears the burden of proving subject matter jurisdiction, *id.* (citing *Menchaca v. Chrysler Credit Corp.*, 613 F.2d 507, 511 (5th Cir. 1980)).

“To survive a [Rule 12(b)(6)] motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* The Court must “take the well-pled factual allegations of the complaint as true and view them in the light most favorable to the plaintiff.” *Lane v. Halliburton*, 529 F.3d 548, 557 (5th Cir. 2008) (citing *In re Katrina Canal Breaches Litig.*, 495 F.3d 191, 205 (5th Cir. 2007)). It resolves any ambiguities in the current controlling substantive law in plaintiff’s favor. *Lewis v. Fresne*, 252 F.3d 352, 357 (5th Cir. 2001) (citing *Burchett v. Cargill, Inc.*, 48 F.3d 173, 176 (5th Cir. 1995)). A court however “do[es] not accept as true conclusory allegations, unwarranted factual inferences, or legal conclusions.” *Plotkin v. IP Axxess Inc.*, 407 F.3d 690, 696 (5th Cir. 2005).

Plaintiff’s Complaint “is a facial challenge to H.B. 71” and “presents the question whether the requirements of H.B. 71 are consistent with the Establishment Clause, regardless of how it is implemented.” R. Doc. 57, p. 13. “Even in the First Amendment context, facial challenges are disfavored.” *Moody v. NetChoice, LLC*, 603 U.S. 707, 744 (2024). “To successfully mount a facial challenge, [a] plaintiff[] must show that there is no set of circumstances under which [the challenged policy] is constitutional.” *Croft v. Perry*, 624 F.3d 157, 164 (5th Cir. 2010). Only if the plaintiff can establish the policy “to be unconstitutional in every application,” will it be “struck down as invalid.” *Id.*

The Court will first consider Defendants’ arguments for dismissal for lack of subject matter jurisdiction.

Article III of the United States Constitution “limits federal courts to resolving ‘Cases’ and ‘Controversies.’” *E.g., Roake En Banc*, 170 F.4th at 297 (citing U.S. Const. art. III, § 2). This limitation gives rise to “justiciability doctrines of standing, mootness, political question, and ripeness.” *Choice Inc. of Texas v. Greenstein*, 691 F.3d 710, 715 (5th Cir. 2012) (citing *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 352 (2006)). “The ripeness doctrine’s ‘basic rationale is to prevent the courts, through avoidance of premature adjudication, from entangling themselves in abstract disagreements.” *Id.* (quoting *Abbott Labs. v. Gardner*, 387 U.S. 136, 148 (1967)). As summarized by the Fifth Circuit:

A court should dismiss a case for lack of ripeness when the case is abstract or hypothetical. The key considerations are the fitness of the issues for judicial decision and the hardship to the parties of withholding court consideration. A case is generally ripe if any remaining questions are purely legal ones; conversely, a case is not ripe if further factual development is required. However, even where an issue presents purely legal questions, the plaintiff must show some hardship in order to establish ripeness.

Id. (internal citations and quotation marks omitted). *See also Book People, Inc. v. Wong*, 91 F.4th 318, 333-34 (5th Cir. 2024) (holding claims ripe where “[n]o other factual or legal developments are required for us to decide this case”); *Braidwood Mgmt., Inc. v. Equal Emp. Opportunity Comm’n*, 70 F.4th 914, 931-32 (5th Cir. 2023) (same, where “no more factual detail is required to resolve the claims,” despite defendant’s argument that “further factual development” would “significantly advance” the court’s ability to resolve claims, because defendant failed to offer specific facts that would assist the court); *United*

Transp. Union v. Foster, 205 F.3d 851, 857-58 (5th Cir. 2000) (holding pre-enforcement review of Louisiana statute not ripe because “challenge sits atop a mountain of conjecture and speculation”); *Texas v. United States*, 523 U.S. 296, 300 (1998) (“A claim is not ripe for adjudication if it rests upon contingent future events that may not occur as anticipated, or indeed may not occur at all.”) (internal citation and quotation marks omitted).

In support of their Motion to Dismiss, Defendants argue that the en banc Fifth Circuit cases of *Staley v. Harris County*, 485 F.3d 305 (5th Cir. 2007) (en banc), and *Roake v. Brumley*, 2026 WL 482555, are analogous and instructive. In *Staley*, the Fifth Circuit considered “whether, in the factual context presented, the display of a Bible in a monument dedicated to a philanthropic citizen and located on the grounds of [a courthouse], violates the Establishment Clause.” *Staley*, 485 F.3d at 307. Days before oral argument in the case, the defendant, Harris County, removed the monument and placed it in storage as the Courthouse and its grounds underwent renovation. *Id.* at 307-08. Though the County asserted that it would display the monument again after renovations were complete, it “emphasize[d] that no decision ha[d] been made regarding when, where, or under what circumstances the monument [would] be displayed again in the future.” *Id.* Recognizing “[t]he importance of facts and context” in Establishment Clause cases, the Court held that “any dispute over a probable redisplay of the [] monument is not ripe because there are no facts before us to determine whether such a display might violate the Establishment Clause.” *Id.* at 308-09 (citing *McCreary Cnty., Ky. v. ACLU of Ky.*, 545 U.S. 944, 844 (2005); *Van Orden v. Perry*, 545 U.S. 677, 700 (2005) (Breyer, J., concurring) (“While the Court’s prior tests provide useful

guideposts . . . no exact formula can dictate a resolution to such fact-intensive cases.”)).

Here, Defendants argue that *Staley* is analogous because Plaintiff “challenges only some unspecified future H.B. 71 display that he *presumes* may violate his rights at some unspecified future point in time.” R. Doc. 41-1, p. 12. While Defendants contend that “Plaintiff has no way around *Staley*,” R. Doc. 58, p. 6, Plaintiff instead contends that (1) “*Staley* is inapposite” because the location, timing, and circumstances of the H.B. 71 displays are all known and (2) because he brings a facial challenge to H.B. 71, “no additional information about the where, when, or how of H.B. 71 is required,” R. Doc. 57, pp. 12-13. Regarding the first argument, Plaintiff contends that because the Act states the minimum requirements of an H.B. 71 display, “[n]o further facts are needed to decide [his] claims.” *Id.* at p. 13. Defendants claim that Plaintiff’s argument here is unfounded because he “can only claim to know the ‘dimensions’ and ‘central’ feature of an H.B. 71 display,” whereas the *Staley* court knew much more about the monument in question and still found that it lacked the necessary facts and context surrounding a future redisplay of the monument to adjudicate its constitutionality. R. Doc. 58, pp. 6-7 (citing R. Doc. 57, p. 4; *Staley v. Harris Cnty.*, 461 F.3d 504, 506-07 (5th Cir. 2006); *Staley*, 485 F.3d at 309). Specifically, Defendants note that at the panel stage in *Staley*, the record contained the monuments dimensions, its engraving, its shape, its central feature, the dimensions of the Bible featured, the lighting surrounding the Bible, the yearly cost the government paid to illuminate the monument, and the practice of turning pages of the Bible. *Id.* at p. 6 (citing *Staley*, 461 F.3d at 506-07). On the other hand, “neither [Plaintiff] nor the Court (nor even Defendants) know how any given school will implement H.B. 71.” *Id.* at pp. 6-7.

The Court agrees with Defendants and finds Plaintiff's arguments to distinguish *Staley* unavailing. First, Plaintiff's contention that *Staley* is distinguishable because the location, timing, and circumstances of any H.B. 71 display are all known overstates what the Act actually establishes. While H.B. 71 does specify minimum requirements and mandates a particular text, it expressly vests each school governing authority with discretion to determine "the nature of the display." La. R.S. § 17:2124(B)(1). Thus, as in *Staley*, neither this Court nor the parties can determine at this time how any particular school governing authority will implement its H.B. 71 displays. Lacking the facts and context of the implemented displays, the Court cannot, on the present record, determine whether any display would violate the Establishment Clause. Second, Plaintiff's attempt to frame his suit as a facial challenge does not obviate the need for a well-developed factual record. While facial challenges under the First Amendment do not require proof of an unconstitutional application in every instance, the plaintiff still must demonstrate that "a substantial number of [the law's] applications are unconstitutional, judged in relation to the statute's plainly legitimate sweep," *Moody*, 603 U.S. at 723 (quoting *Americans for Prosperity Found. v. Bonta*, 594 U.S. 595, 615 (2021)) (alteration in original), and courts must assess the full scope of a law's applications before adjudicating such a challenge, *id.* at 717-19, 724-25. That assessment requires a thoroughly-developed factual record. See, e.g., *Washington State Grange v. Washington State Republican Party*, 552 U.S. 442, 450-51 (stressing need for "judicial restraint in a facial challenge" and reasoning that facial challenges are disfavored due to "risk of premature interpretation of statutes on the basis of factually barebones records").

Next, the Court finds the Fifth Circuit’s recent en banc decision in *Roake v. Brumley*, holding that claims materially similar to Plaintiff’s were not yet ripe for adjudication, to be particularly instructive. In *Roake*, the Fifth Circuit noted that the Ten Commandments’ “dual character” of having both religious and historical significance “forecloses any categorical rule against their display on public property” and that the constitutionality of such a display “turns on ‘the context of the display’ and ‘how the text is used.’” *Roake En Banc*, 170 F.4th at 297-98 (citing and quoting *Van Orden v. Perry*, 545 U.S. 677, 701 (2005) (emphasis in original)). The Court then concluded that at this point, “we do not yet know—and cannot yet know—how the text will be used” in the context of an H.B. 71 display because the Act sets “certain ‘minimum requirement[s]’ regarding the text, size, and accompanying ‘context statement’” but “leaves ‘[t]he nature of the display’ entirely to the discretion of local school boards.” *Id.* at 298 (quoting La. R.S. § 17:2124(B)(1)-(3)). Thus, the Fifth Circuit reasoned, “numerous essential questions,” including “how prominently the displays will appear, what other materials might accompany them, or how—if at all—teachers will reference them during instruction,” remain unanswered. *Id.*

For these reasons, the Court held that this “evidentiary gap” forecloses both the Establishment Clause claims and the Free Exercise Clause claims brought by the *Roake* plaintiffs because it prevents “the fact-intensive and context-specific analysis required by the Supreme Court’s Ten Commandments cases.”⁴ *Id.*

⁴ The Fifth Circuit also held that this lack of evidence “forecloses the parents’ Free Exercise claims because ‘the question whether a law “substantially interfere[s] with the religious development” of a child will always be fact-intensive,’ requiring courts to ‘consider the specific

(quoting *Staley v. Harris Cnty.*, 485 F.3d 305, 309 (5th Cir. 2007) (en banc)). Weighing the lack of fitness of the issues for judicial decision against the hardship to the parties of withholding consideration, the Fifth Circuit found that “the plaintiffs suffer no concrete harm from the challenged policy itself, which does not require them to ‘do anything or to refrain from doing anything.’” *Id.* (quoting *Trump v. New York*, 592 U.S. 125, 134 (2020) (quoting *Ohio Forestry Ass’n, Inc. v. Sierra Club*, 523 U.S. 726, 733 (1998))). For these reasons, the Court held that the issues were not ripe for judgment and that rendering a decision on the claims would require forbidden “substitution of speculation for adjudication” and “exceed the judicial function.” *Id.* at 299.

The Supreme Court has long articulated that a purported religious display’s constitutionality depends heavily on context and facts. *See McCreary County v. ACLU*, 545 U.S. 844, 867-68 (2005) (citing *Cnty. of Allegheny v. ACLU, Greater Pittsburgh Chapter*, 492 U.S. 573, 595, (1989)) (“[T]he question is what viewers may fairly understand to be the purpose of the display. That inquiry, *of necessity*, turns upon the context in which the contested object appears.”) (emphasis added); *Van Orden v. Perry*, 545 U.S. 677, 700 (2005) (Breyer, J., concurring)⁵ (in religious display cases, courts “must take account of context”). In this case, the Court finds *Roake* to be particularly instructive because, like the plaintiffs in *Roake*, Plaintiff challenges H.B. 71 as “facially

context in which the instruction or materials at issue are presented.” *Roake En Banc*, 170 F.4th at 298 (quoting *Mahmoud v. Taylor*, 606 U.S. 522, 550 (2025) (quoting *Wisconsin v. Yoder*, 406 U.S. 205, 218 (1972))) (alteration in original).

⁵ The Fifth Circuit found Justice Breyer’s concurrence the controlling opinion in *Van Orden. Staley v. Harris Cnty., Tex.*, 485 F.3d 305, 308 n. 1 (5th Cir. 2007).

unconstitutional under both the Establishment and Free Exercise Clauses of the First Amendment” *before* any H.B. 71 displays have been placed on classroom walls. This holding defeats Plaintiff’s argument that “[n]o additional information” about implementation of the H.B. 71 displays is required to decide his claims. *See* R. Doc. 57, p. 13.

Plaintiff attempts to avoid *Roake*’s holding by arguing that, unlike the parent and student plaintiffs in *Roake*, who are not required “to do anything or to refrain from doing anything,” he is a public school teacher personally subjected to H.B. 71’s mandate to display the Ten Commandments in his classroom. R. Doc. 85, pp. 5, 7-12. He further contends that “because [his] injury arises from his role in implementing the statute—not merely from observing any particular display—*Roake*’s ripeness analysis does not apply.” *Id.* at p. 12. Additionally, Plaintiff argues that *Roake* is distinguishable because he raises a compelled-speech claim that the *Roake* plaintiffs did not assert. *Id.* at 12-13. The Court is not persuaded.

First, *Roake*’s ripeness holding is not, as Plaintiff contends, limited to claims brought by parents and students as “mere bystander[s] or observer[s].” Rather, the Fifth Circuit’s reasoning rests on the nature of the constitutional inquiry required by pre-enforcement challenges to H.B. 71. The en banc Court held that H.B. 71’s minimum statutory requirements do not supply a sufficient factual record to permit judicial review because the Act’s delegation of elements of the displays to local school boards leaves unresolved questions that are critical for adjudication, including “how prominently the displays will appear, what other materials might accompany them, or how—if at all—teachers will reference them during instruction.” *Roake En Banc*, 170 F.4th at 298. That same logic applies here with equal force because, like the

plaintiffs in *Roake*, Plaintiff asks this Court to declare H.B. 71 unconstitutional before any display has been implemented in his classroom and before development of a full factual record concerning the manner in which Benjamin Franklin High School or its governing authority will comply with the Act.

Second, Plaintiff's effort to distinguish *Roake* on the ground that he is personally required to "display" the Ten Commandments is not supported by the statutory text. Specifically, Plaintiff alleges that H.B. 71 imposes a requirement for "teachers . . . to post" and "display" the Ten Commandments. R. Doc. 1, pp. 3-4, 8-9, 14-15; R. Doc. 47-2, p. 16-18. In support of this claim, he misreads or ignores the Act's text, which plainly mandates that "each *public school governing authority* shall display the Ten Commandments," La. R.S. § 17:2124(B)(1), rather than requiring public school teachers themselves to post or display the H.B. 71 displays, as Plaintiff alleges. Whether a particular teacher will be required to physically post, display, or otherwise interact with an H.B. 71 display, or whether that task will fall to administrators or other staff, is left fully to the discretion of each governing authority. In this respect, the ripeness of Plaintiff's claims is even weaker than that of the claims in *Roake*, where plaintiffs at least faced the certainty of exposure to a display as students and parents in the classroom. Here, Plaintiff faces no statutory obligation of any kind, and his alleged injury from being personally "required to display" the Ten Commandments rests on a chain of assumptions about how Benjamin Franklin High School's governing authority will choose to implement the Act. Thus, the

alleged injury has no basis in the statutory text and no support in the present record.⁶

This also renders Plaintiff's compelled-speech theory especially speculative at this point. Whether H.B. 71 will compel Plaintiff to engage in any expressive act, let alone one that could plausibly be characterized as his own speech, depends entirely on implementation decisions that have not yet been made. These decisions will shape the constitutional question in ways that cannot be anticipated on the bare record presently before the Court. Until those facts are known, any ruling by this Court on any of Plaintiff's claims, including the compelled-speech claim, would rest on nothing more than conjecture, which

⁶ The Court also notes that the Fifth Circuit's recent decision in *Nathan v. Alamo Heights Indep. Sch. Dist.*, ___ F.4th ___, No. 25-50695, 2026 WL 1078691 (5th Cir. Apr. 21, 2026), reinforces its decision. In *Nathan*, the en banc Fifth Circuit considered whether a similar yet distinct Texas law, S.B. 10, violated the Establishment Clause and the Free Exercise Clause. *Id.* at *2-3. Before conducting its First Amendment analysis, the Court noted that the plaintiffs' pre-enforcement facial challenge to S.B. 10, unlike those against H.B. 71, was ripe because "[e]verything needed to resolve their claims is in the statutory text." *Id.* at *11. The Court went on to describe why challenges to S.B. 10 are ripe but challenges to H.B. 71 are not: Louisiana's statute differs from Texas's in three key ways. First, Louisiana requires the "nature of the display" to "be determined by each governing authority." Texas, by contrast, delegates no local discretion for any of the display's components. Second, Louisiana specifies that local displays may (or may not) incorporate other historical documents, such as "the Mayflower Compact, the Declaration of Independence, and the Northwest Ordinance." Texas, by contrast, mandates that displays "include only" the provided text of the Commandments. Third, Louisiana law does not specify where displays must appear, whereas Texas requires posting them in a "conspicuous place" so they can be easily read. So, while the Louisiana law lets local governing authorities shape the displays' critical contextual details, the Texas law settles those details in the statute. *Id.* at *12-13 (internal citations omitted).

is precisely the “substitution of speculation for adjudication” that *Roake* forbids. *Roake En Banc*, 170 F.4th at 299.

Because all three of Plaintiff’s claims, as in *Roake*, turn on unresolved factual and contextual questions regarding the H.B. 71 displays, which are required for a proper First Amendment analysis, the Court finds that the claims are not ripe for adjudication. Therefore, the Court will GRANT Defendants’ Motion to Dismiss (R. Doc. 41) and dismiss Plaintiff’s claims against all Defendants without prejudice.

b. Plaintiff’s Motion for Preliminary Injunction / Summary Judgment (R. Doc. 47)

The Court next turns to Plaintiff’s Motion for Preliminary Injunction or, in the Alternative, Summary Judgment (R. Doc. 47). Granting a preliminary injunction is an “extraordinary and drastic remedy.” *SO Apartments, L.L.C. v. City of San Antonio, Texas*, 109 F.4th 343, 348 (5th Cir. 2024). Courts do not grant relief unless there is “(1) a substantial likelihood that plaintiff will prevail on the merits, (2) a substantial threat that plaintiff will suffer irreparable injury if the injunction is not granted, (3) that the threatened injury to plaintiff outweighs the threatened harm the injunction may do to defendant, and (4) that granting the preliminary injunction will not disserve the public interest.” *Anibowei v. Morgan*, 70 F.4th 898, 902 (5th Cir. 2023) (citation omitted). Having granted Defendants’ motion to dismiss the underlying claims, the Court need not proceed with this analysis and will deny Plaintiff’s motion, as well as his motion for expedited consideration, as moot.

Accordingly,

IT IS ORDERED that Defendants' Motion to Dismiss (R. Doc. 41) is **GRANTED**, and that Plaintiff's claims against Defendants are dismissed without prejudice.

IT IS FURTHER ORDERED that Plaintiff's Motion for Preliminary Injunction or Summary Judgment (R. Doc. 47) is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that Plaintiff's *Ex Parte* Motion for Expedited Consideration (R. Doc. 86) is **DENIED AS MOOT**.

New Orleans, Louisiana, this 22nd day of April, 2026.

GREG GERARD GUIDRY
UNITED STATES DISTRICT JUDGE

APPENDIX C
CONSTITUTIONAL AND STATUTORY
PROVISIONS INVOLVED

U.S. Const. amend. I provides:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

U.S. Const. amend. XIV, § 1 provides:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

La. R.S. § 17:2124 provides:

§2124. Historical documents; displays; legislative intent; historical context; donations

A. The legislature finds and declares all of the following:

(1) In 2005, the Supreme Court of the United States recognized that it is permissible to display the Ten Commandments on government property in *Van Orden v. Perry*, 545 U.S. 677, 688 (2005).

(2) In 2006, the legislature enacted Act No. 602 of the 2006 Regular Session of the Legislature which provided for the secretary of state to publish the Ten Commandments and other historically significant documents for posting in courthouses and other public buildings to address “a need to educate and inform the public as to the history and background of American and Louisiana law”.

(3) In 2019, the Supreme Court of the United States further recognized that the Ten Commandments “have historical significance as one of the foundations of our legal system. . .” in *American Legion v. American Humanists Association*, 588 U.S. 29, 53 (2019), and the court also ruled that the displaying of the Ten Commandments on public property may have “multiple purposes” such as “historical significance” and represent a “common cultural heritage”. *Id.* at 54.

(4) Recognizing the historical role of the Ten Commandments accords with our nation’s history and faithfully reflects the understanding of the founders of our nation with respect to the necessity of civic morality to a functional self-government. History records that James Madison, the fourth President of the United States of America, stated that “(w)e have staked the whole future of our new nation . . . upon the capacity of each of ourselves to govern ourselves according to the moral principles of the Ten Commandments”.

(5) Including the Ten Commandments in the education of our children is part of our state and national history, culture, and tradition.

(6) The text of the Ten Commandments set forth in Subsection B of this Section is identical to the text of the Ten Commandments monument that was upheld

by the Supreme Court of the United States in *Van Orden v. Perry*, 545 U.S. 677, 688 (2005).

(7) The Mayflower Compact of 1620 was America’s first written constitution and made a Covenant with Almighty God to “form a civil body politic”. This was the first purely American document of self-government and affirmed the link between civil society and God.

(8) The Northwest Ordinance of 1787 provided a method of admitting new states to the Union from the territory as the country expanded to the Pacific. The Ordinance “extended the fundamental principles of civil and religious liberty” to the territories and stated that “(r)eligion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged”.

(9) It is the legislature’s intent to apply the decision set forth by the Supreme Court of the United States in *Van Orden v. Perry*, 545 U.S. 677(2005), to continue the rich tradition and ensure that the students in our public schools may understand and appreciate the foundational documents of our state and national government.

(10) The Supreme Court of the United States acknowledged that the Ten Commandments may be displayed on local government property when a private donation is made for the purchase of the historical monument. *Pleasant Grove City, Utah v. Summum*, 555 U.S. 460 (2009).

(11) It is the intention of the legislature that this Section shall not create an unfunded mandate on any public school governing authority. The school boards are encouraged to use documents that are printed and made available to the schools free of charge.

B.(1) No later than January 1, 2025, each public school governing authority shall display the Ten Commandments in each classroom in each school under its jurisdiction. The nature of the display shall be determined by each governing authority with a minimum requirement that the Ten Commandments shall be displayed on a poster or framed document that is at least eleven inches by fourteen inches. The text of the Ten Commandments shall be the central focus of the poster or framed document and shall be printed in a large, easily readable font.

(2) The text shall read as follows:

“The Ten Commandments
I AM the Lord thy God.

Thou shalt have no other gods before me.

Thou shalt not make to thyself any graven
images.

Thou shalt not take the Name of the Lord thy
God in vain.

Remember the Sabbath day, to keep it holy.

Honor thy father and thy mother, that thy days
may be long upon the land which the Lord thy
God giveth thee.

Thou shalt not kill.

Thou shalt not commit adultery.

Thou shalt not steal.

Thou shalt not bear false witness against thy
neighbor.

Thou shalt not covet thy neighbor’s house.

Thou shalt not covet thy neighbor’s wife, nor his
manservant, nor his maidservant, nor his cattle,
nor anything that is thy neighbor’s.”

(3) The Ten Commandments shall be displayed with a context statement as follows:

“The History of the Ten Commandments in American Public Education

The Ten Commandments were a prominent part of American public education for almost three centuries. Around the year 1688, The New England Primer became the first published American textbook and was the equivalent of a first grade reader. The New England Primer was used in public schools throughout the United States for more than one hundred fifty years to teach Americans to read and contained more than forty questions about the Ten Commandments.

The Ten Commandments were also included in public school textbooks published by educator William McGuffey, a noted university president and professor. A version of his famous McGuffey Readers was written in the early 1800s and became one of the most popular textbooks in the history of American education, selling more than one hundred million copies. Copies of the McGuffey Readers are still available today.

The Ten Commandments also appeared in textbooks published by Noah Webster in which were widely used in American public schools along with America’s first comprehensive dictionary that Webster also published. His textbook, The American Spelling Book, contained the Ten Commandments and sold more than one hundred million copies for use by public school children all across the nation and was still available for use in American public schools in the year 1975.”

(4) A public school may also display the Mayflower Compact, the Declaration of Independence, and the Northwest Ordinance, as provided in R.S. 25:1282, along with the Ten Commandments.

(5) This Section shall not require a public school governing authority to spend its funds to purchase displays. In order to fund the displays free of charge, the school public governing authority shall do either of the following:

(a) Accept donated funds to purchase the displays.

(b) Accept donated displays.

(6)(a) The State Board of Elementary and Secondary Education shall adopt rules and regulations in accordance with the Administrative Procedure Act to ensure the proper implementation of this Section.

(b) The state Department of Education shall identify appropriate resources to comply with the provisions of this Section that are free of charge. Once identified, the department shall list the free resources on the department's internet website.

C.(1) No later than January 1, 2025, each public postsecondary education management board shall require each institution under its jurisdiction to display the Ten Commandments in each classroom on the institution's campus. At a minimum, the Ten Commandments shall be displayed on a poster or framed document that is at least eleven inches by fourteen inches. The text of the Ten Commandments shall be the central focus of the poster or framed document and shall be printed in a large, easily readable font.

(2) The text shall read as provided in Paragraph (B)(2) of this Section.

29a

(3) This Subsection does not require a public postsecondary education management board or any public postsecondary education institution to spend its funds to purchase such displays. An institution or management board or governing authority may spend donated funds to purchase the Ten Commandments or other historical documents provided for in this Section or may accept donated displays.

Acts 2024, No. 676, §1, eff. June 19, 2024.

APPENDIX D

**In the United States District Court
for the Eastern District of Louisiana**

(Filed Sept. 23, 2024)

CHRISTOPHER DIER,

Plaintiff,

v.

JEFFREY MARTIN
LANDRY in his official
capacity as Governor of the
State of Louisiana;
ELIZABETH MURRILL
in her official capacity as
Attorney General of the
State of Louisiana; CADE
BRUMLEY, in his official
capacity as the Louisiana
State Superintendent of
Education; CONRAD
APPEL, in his official
capacity as a member of
the Louisiana State Board
of Elementary and
Secondary Education
("LSBESE"); JUDY
ARMSTRONG, in her
official capacity as a
member of the LSBESE;
KEVIN BERKEN, in his
official capacity as a
member of the LSBESE;

Civil Action No. _____

Judge _____

Mag. Judge _____

VERIFIED
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF

PRESTON CASTILLE, in his official capacity as a member of the LSBESE; SIMONE CHAMPAGNE, in her official capacity as a member of the LSBESE; SHARON LATTEN-CLARK, in her official capacity as a member of the LSBESE; LANCE HARRIS, in his official capacity as a member of the LSBESE; PAUL HOLLIS, in his official capacity as a member of the LSBESE; SANDY HOLLOWAY, in her official capacity as a member of the LSBESE; STACEY MELERINE, in her official capacity as a member of the LSBESE; and RONNIE MORRIS, in his official capacity as a member of the LSBESE,

Defendants.

VERIFIED COMPLAINT

1. The separation of church and state enshrined in the U.S. Constitution's First Amendment stands as a bold and revolutionary promise of freedom—freedom not only from religious oppression but from the tyranny of imposing any single system of belief on a diverse people. Rooted in the principle that government must remain

neutral in matters of faith, it protects a person's right to worship, or not worship, as he or she sees fit. This separation fuels innovation, pluralism, and dialogue, ensuring that ideas can flourish in a space untainted by coercion. It embodies the democratic spirit, where no institution or person holds sway over the conscience of another, safeguarding the integrity of both religion and government. In this separation lies the promise of a truly free society.

2. This lawsuit challenges Louisiana House Bill No. 71, Act 676 ("H.B. 71" or the "Act"), a new law that represents a direct attack upon the religiously neutral foundation of our free society. H.B. 71 requires teachers in Louisiana's public schools to post a Protestant version of the Ten Commandments in every public school classroom in the State—regardless of grade level or subject matter. Under H.B. 71, every schoolchild from the day her journey in public education begins, until the day it ends, will not sit for a single minute of public instruction without H.B. 71's Protestant version of the Ten Commandments somewhere visible on the classroom wall.

3. While H.B. 71 targets children, it conscripts teachers. Those teachers include educators who have devoted their lives to public education and to teaching young people the fundamental precepts of our Constitution—including freedom to worship—that make America a beacon to the world.

4. Plaintiff Christopher Dier is one such teacher. Mr. Dier is a renowned public educator who currently teaches at Benjamin Franklin High School in New Orleans. He is the 2020 Louisiana Teacher of the Year, a 2020 finalist for the National Teacher of the Year, and the 2021 Gilder Lehrman Louisiana Teacher of the Year. Mr. Dier is the

recipient of the 2021 National Education Association's (NEA) H. Councill Trenholm Memorial Civil Rights Award and the 2023 NEA California Casualty Award for Teaching Excellence. He holds a Master of Arts in Teaching and a Master of Education (M.Ed.) in Educational Administration and is a doctoral candidate. He is also the author of *The 1868 St. Bernard Parish Massacre: Blood in the Cane Fields*.

5. Mr. Dier teaches his students Advanced Placement ("A.P.") U.S. History. As part of that curriculum, he teaches his students about *Marbury v. Madison* and *McCulloch v. Maryland*, seminal U.S. Supreme Court cases that stand for a foundational principle of our democracy: when a state's law conflicts with the Constitution, that law is invalid. Now, more than 200 years after the Constitution's ratification, that principle has withstood every challenge.

6. By this action it will again. This is an action for declaratory and injunctive relief to enjoin the enforcement of H.B. 71 because it violates the Establishment Clause, Free Exercise Clause, and Free Speech Clause of the First Amendment to the United States Constitution. Plaintiff further seeks to enjoin Defendants from (i) implementing rules and regulations in accordance with the Act, (ii) otherwise seeking to enforce the Act, and (iii) requiring him to display the Ten Commandments in any public school classroom.

7. By requiring Louisiana teachers to post the Ten Commandments in their classrooms, H.B. 71 coerces them into state-mandated religious observance, veneration, teaching, proselytization, and adoption of the state's favored religious scripture. H.B. 71 requires teachers, including Mr. Dier, to send the harmful and religiously divisive message that students who do not

subscribe to the specific version of the Ten Commandments that H.B. 71 requires do not belong in Louisiana classrooms, schools, and communities, and should refrain from expressing their own beliefs or practicing their own faiths. H.B. 71 is unconstitutional. This Court should say so and provide all necessary and appropriate relief.

JURISDICTION & VENUE

8. This action arises under the United States Constitution and the laws of the United States and presents a federal question within this Court's jurisdiction under Article III of the Constitution and 28 U.S.C. § 1331. In addition, this Court has jurisdiction pursuant to 28 U.S.C. § 1343(a)(3).

9. The Court is authorized to award the declaratory and injunctive relief Mr. Dier requests pursuant to 28 U.S.C. §§ 2201 and 2202.

10. Venue is proper in the Eastern District of Louisiana because a substantial part of the alleged events or omissions giving rise to Plaintiff's claims occurred in Orleans Parish. 28 U.S.C. § 1391(b)(2). Plaintiff resides and teaches in this district. Accordingly, the actions to administer, implement, and enforce the Act by the Defendants that give rise to the claims herein will necessarily occur in large part within this district.

PARTIES

11. Plaintiff Christopher Dier is a citizen and resident of the State of Louisiana. At all times relevant to this Complaint, Mr. Dier was domiciled in Saint Bernard Parish and was a teacher at Benjamin Franklin High School in Orleans Parish.

12. Defendant Jeffrey Martin Landry is the Governor of the State of Louisiana. As Louisiana's Governor, Defendant Landry signed H.B. 71 into law. Defendant Landry continues to advocate for the law. As the Chief Executive of the State of Louisiana, Defendant Landry is responsible for enforcing the law. Defendant Landry is sued here in his official capacity.

13. Defendant Elizabeth Murrill is the Attorney General of the State of Louisiana. As the Attorney General, Defendant Murrill has plenary power under the Louisiana Constitution to institute civil actions to enforce the law. La. Const. art. IV, § 8 ("As necessary for the assertion or protection of any right or interest of the state, the attorney general shall have authority to institute, prosecute, or intervene in any civil action or proceeding."). The Attorney General, through the Louisiana Department of Justice, is responsible for the enforcement of H.B. 71. La. Stat. Ann. § 36:704 (vesting Louisiana DOJ civil division with "the assertion or protection of any right or interest of the state of Louisiana"); La. Stat. Ann. § 36:702 (vesting Attorney General with power and duty to oversee Louisiana DOJ). Defendant Murrill is sued here in her official capacity.

14. Defendant Cade Brumley is the Louisiana State Superintendent of Education. As the State Superintendent of Education, Defendant Brumley serves as the administrative head of the Louisiana State Department of Education and is statutorily responsible for administering and implementing all policies and programs adopted by the Louisiana State Board of Elementary and Secondary Education. La. R.S. § 17:21 *et seq.* All employees of the State Department of Education are under Defendant Brumley's direction and control. La. R.S. § 17:24. Defendant Brumley is responsible for the implementation of all state laws that fall under the

jurisdiction of the State Board of Elementary and Secondary Education, including H.B. 71. La. R.S. § 17:22. Defendant Brumley is sued here in his official capacity.

15. Defendants Conrad Appel, Judy Armstrong, Kevin Berken, Preston Castille, Simone Champagne, Sharon Latten-Clark, Lance Harris, Paul Hollis, Sandy Holloway, Stacey Melerine, and Ronnie Morris are members of the Louisiana State Board of Elementary and Secondary Education (“LSBESE”). LSBESE is responsible for the oversight and governance of all public elementary and secondary schools in Louisiana. La. Const. art. VIII, § 3; La. R.S. § 17:1 *et seq.* LSBESE members have the statutory duty to enact policies and adopt regulations that govern the operations of public elementary and secondary schools in Louisiana. La. R.S. § 17:6(A)(10). In their official roles, LSBESE members exercise policymaking, budgetary, and related functions granted to them by the Louisiana State Legislature, which provides LSBESE members with the authority to carry out their extensive responsibilities as detailed in Louisiana education law. *See generally* La. R.S. § 17:6. In H.B. 71, the Louisiana State Legislature has given LSBESE the authority to adopt rules and regulations to ensure the implementation of the Act. Defendants Appel, Armstrong, Berken, Castille, Champagne, Latten-Clark, Harris, Hollis, Holloway, Melerine, and Morris are each sued here in their official capacities as members of LSBESE.

FACTUAL ALLEGATIONS

16. On June 19, 2024, Louisiana Governor Jeff Landry signed H.B. 71, which provides that, by January 1, 2025, each public school governing authority in the state must require teachers to display the Ten Commandments in every elementary, secondary, and post-secondary

classroom under its jurisdiction. H.B. 71(B), (C). The Act, which became effective immediately, will be codified at La. R.S. § 17:2122. H.B. 71(3). H.B. 71 must be enforced by state charter schools. § 3996(B)(82).

17. Under Section (B)(2) of the Act, teachers must display only the State’s officially approved version of the text of the Ten Commandments, as follows:

The Ten Commandments

I AM the LORD thy God.

Thou shalt have no other gods before me.

Thou shalt not make thyself any graven images.

Thou shalt not take the Name of the Lord thy
God in vain.

Remember the Sabbath day, to keep it holy.

Honor thy father and thy mother, that thy days
may be long upon the land which the Lord thy
God giveth thee.

Thou shalt not kill.

Thou shalt not commit adultery.

Thou shalt not steal.

Thou shalt not bear false witness against thy
neighbor.

Thou shalt not covet thy neighbor’s house.

Thou shalt not covet thy neighbor’s wife, nor his
manservant, nor his maidservant, nor his cattle,
nor anything that is thy neighbor’s.

2024 La. Sess. Law Serv. Act 676 (H.B. 71) (WEST) (to be codified at La. R.S. 17:2122(B)(2))

18. Section (B)(1) of the Act requires public school teachers in Louisiana to display the Ten Commandments on a poster or framed document that is at least “eleven inches by fourteen inches.” It mandates that “[t]he text of

the Ten Commandments shall be the central focus of the poster or framed document and shall be printed in a large, easily readable font.” 2024 La. Sess. Law Serv. Act 676 (H.B. 71) (WEST) (to be codified at R.S. 17:2122(B)(1)).

19. H.B. 71 also requires that the Ten Commandments “be displayed with a context statement” that purports to outline the “[h]istory of the Ten Commandments in American Public Education.” 2024 La. Sess. Law Serv. Act 676 (H.B. 71) (WEST) (to be codified at R.S. 17:2122(B)(3)). The Act does not specify a size requirement for the statement and does not require that the statement be printed in a large, easily readable font.

20. Under H.B. 71, a school may—but is not required to—display three additional documents “along with the Ten Commandments”: the Mayflower Compact, the Declaration of Independence, and the Northwest Ordinance. 2024 La. Sess. Law Serv. Act 676 (H.B. 71) (WEST) (to be codified at R.S. 17:2122(B)(4)(a)) (“A public school may also display the Mayflower Compact, the Declaration of Independence, and the Northwest Ordinance, as provided in R.S. 25:1282, along with the Ten Commandments.”). The Act does not specify a size requirement for these documents and does not require that they be printed in a large, easily readable font.

21. H.B. 71 requires public schools to acquire the Ten Commandments displays either by (1) “accept[ing] donated displays,” or (2) “accept[ing] donated funds to purchase displays.” 2024 La. Sess. Law Serv. Act 676 (H.B. 71) (WEST) (to be codified at R.S. 17:2122(B)(5)(a), (b)).

22. LSBESE is responsible for “adopt[ing] rules and regulations in accordance with the [Louisiana] Administrative Procedure Act to ensure the proper

implementation” of the Act. 2024 La. Sess. Law Serv. Act 676 (H.B. 71) (WEST) (to be codified at R.S. 17:2122(B)(6)(a)).

23. H.B. 71 also requires the Louisiana Department of Education to “identify appropriate resources to comply with” the Act “that are free of charge.” The Department of Education is required to list these resources on its webpage. 2024 La. Sess. Law Serv. Act 676 (H.B. 71) (WEST) (to be codified at R.S. 17:2122(B)(6)(b)) (“The state Department of Education shall identify appropriate resources to comply with the provisions of this Section that are free of charge. Once identified, the department shall list the free resources on the department’s internet website.”).

24. Under H.B. 71, every public school teacher must post the state-approved version of the Ten Commandments in every classroom no later than January 1, 2025. 2024 La. Sess. Law Serv. Act 676 (H.B. 71) (WEST) (to be codified at R.S. 17:2122(B)(1)).

25. The displays must be permanent and year-round. 2024 La. Sess. Law Serv. Act 676 (H.B. 71) (WEST) (to be codified at R.S. 17:2122(B)(1)) (providing that as of January 1, 2025 teachers “shall” “display the Ten Commandments in each classroom”).

26. H.B. 71 requires the displays to be placed in “each classroom,” regardless of the subject matter taught. For example, H.B. 71 requires the state-approved version of the Ten Commandments to be posted in math and science classrooms. 2024 La. Sess. Law Serv. Act 676 (H.B. 71) (WEST) (to be codified at R.S. 17:2122(B)(1)) (providing that as of January 1, 2025 teachers “shall” “display the Ten Commandments” in “each” classroom).

27. H.B. 71 requires teachers to post the Ten Commandments without regard to the grade level and reading comprehension of students. For example, the law requires the Ten Commandments displays to be hung in kindergarten and university classrooms, and every grade level in between. 2024 La. Sess. Law Serv. Act 676 (H.B. 71) (WEST) (to be codified at R.S. 17:2122(B)(1)) (providing that as of January 1, 2025 teachers “shall” “display the Ten Commandments” in “each” classroom).

28. House Bill 71’s preeminent purpose is religious.

29. H.B. 71’s primary author and sponsor, Representative Dodie Horton, introduced the Bill to the House Education Committee on the following premise: “It is so important that our children learn what God says is right and what He says is wrong, and to allow [the Ten Commandments] to be displayed in our classrooms as a visual aid, I believe, especially in this day and time, is so important.” La. House Educ. Comm., 5:08 (Apr. 4, 2024), bit.ly/4cqHnxj. Representative Horton emphasized that, “[w]hen [she] went to school, [she] learned . . . to know that there was a god by reciting the Ten Commandments.” *Id.* at 16:00. She sponsored H.B. 71 so that Louisiana’s children can “see[] what God’s law is.” *Id.* at 47:42.

30. The Bill’s co-author and co-sponsor, Representative Sylvia Taylor, echoed these sentiments, explaining: “I believe that we are lacking in direction. A lot of people, their children, are not attending churches or whatever. . . . So, what I’m saying is, we need to do something in the schools to bring people back to where they need to be.” *Id.* at 15:15.

31. On his official social media pages, Governor Landry has expressed his own view of H.B. 71, declaring: “Since when did the Ten Commandments become a bad

way to live your life?!” In soliciting funds to defend H.B. 71 against a lawsuit by twelve Louisiana public school parents and their children, Governor Landry exhorted his supporters to help him “ADVANCE . . . the Judeo-Christian values that this nation was built upon.” Patrick Wall, *Jeff Landry vows to defend ‘Judeo-Christian values’ after Ten Commandments lawsuit*, TIMES-PICAYUNE (June 25, 2024), <https://perma.cc/R89N-3FKE>. Governor Landry later told reporters that public school parents who are unhappy with the law should “tell [their] child[ren] not to look.” Lexi Lonas, *Louisiana governor says kids can just not ‘look’ at Ten Commandments, files to dismiss charges*, THE HILL (Aug. 6, 2024), bit.ly/4cuVNwk.

**The Act Officially Endorses and Prescribes a
Protestant Version of the Ten Commandments**

32. House Bill 71 embodies a denominational preference. It expressly requires the display of religious scripture—the Ten Commandments—in every public-school classroom. Moreover, it requires a specific, state-approved version of that scripture to be posted, thus taking sides on theological questions regarding the correct translation and content of the Bible. Since different denominations of Christians and Jews subscribe to different translations and interpretations of religious text, this amounts to state endorsement of a specific sect of Christianity. See Steven Lubet, *The Ten Commandments in Alabama*, 15 Const. Comment. 471, 474 (1998) (describing some of the differences in Commandments according to different faiths). Even among religions in general agreement about the source and importance of the Ten Commandments, there is deep and divisive disagreement about their content. *Id.* at 476-77 (“To the faithful, scripture matters.”); see also E.J. Dionne Jr., *The Third Stage: New Frontiers of Religious*

Liberty, in *What's God Got to Do with the American Experiment* 117 (E.J. Dionne Jr. & John J. Dilulio Jr. eds., 2000) (discussing shifting views on the separation between church and state and noting, “in 1844, . . . six people were killed in a riot in Philadelphia over what version of the Ten Commandments should be posted in public schools”).

33. Different faiths dispute how the sixteen verses in Exodus 20:2–17 should be divided to reflect the later references to “Ten Commandments.” Exodus 34:28; Deuteronomy 4:13, 10:4. Each tradition has struggled with how they should be numbered. For example, many Jews and some Christians consider the “First Commandment” to be “I am the Lord thy God,” while others consider the First Commandment to be “Thou shalt [or You shall] have no other gods before me.” The division of the commandments between two tablets is significant. According to some Christians, the first tablet represents the duties we owe to GOD while the second represents the duties we owe to each other. *Glassroth v. Moore*, 335 F.3d 1282, 1285 n.1 (11th Cir. 2003)

34. There are many faith traditions that do not teach, recognize, or reference the Ten Commandments at all. For example, followers of Hinduism, Buddhism, and Taoism generally do not consider the commandments to be part of their belief systems. Paul Finkelman, *The Ten Commandments on the Courthouse Lawn and Elsewhere*, 73 Fordham L. Rev. 1477, 1498 (2005) (explaining the Ten Commandments “have no relevance to the religious life of people who are not of [the Judeo-Christian] . . . faiths”). To members of non-Judeo-Christian religions, the Ten Commandments do not merely recite non-controversial ethical maxims; several Commandments (e.g., the first, second and third) address the forms and objects of religious worship. Moreover, the

Decalogue symbolizes a theology that is at odds with the theology of non-Judeo-Christian religions. The manner in which the Decalogue was provided to human beings, as described in the Bible, reflects a particular view of the relationship between the divine and human beings. Law, under this view, is not the result of rational deliberation by human beings in furtherance of the public good, but rather the product of direct, divine command. The substance of the Ten Commandments, far from being universal, is expressly predicated on the existence of one very specific god: “I AM the LORD thy God. Thou shalt have no other gods before me.” The Ten Commandments thus symbolize a particular religious perspective—that of Judeo-Christians.

35. Many people in Louisiana are not religious and do not adhere to the religious tenets set forth in any version of the Ten Commandments, including the one mandated by H.B. 71.

36. Even some faith traditions that do consider the Ten Commandments to be part of their theology do not believe in elevating the commandments over other biblical commandments or teachings.

37. Even for faith traditions that view the Ten Commandments to be authoritative and important, there are many different versions, depending on religious denomination or biblical translation.

38. Among those who believe in some version of the Ten Commandments, the particular text that they follow often differs by religious denomination or tradition. For instance, Catholics, Jews, and many Protestants differ in the way that they number, organize, and translate the commandments from Hebrew to English. To take one example, the Hebrew translation of the Sixth Commandment prohibits only murder, not all killings, as

the King James Version does (and in the Lutheran and Catholic versions it is the Fifth Commandment, not the Sixth). *Glassroth v. Moore*, 335 F.3d 1282, 1299 n.3 (11th Cir. 2003) (citing Gerald Blidstein, *Capital Punishment: The Classic Jewish Discussion*, in 14 *Judaism* 159 (1965)); see also *Harvey v. Cobb County*, 811 F. Supp. 669, 677 (N.D. Ga. 1993) (“As Rabbi Lewis testified, this [‘Thou shalt not kill’] version of the Sixth Commandment is a mistranslation of the original Hebrew, which prohibits murder, and frequently appears in Christian versions of the Ten Commandments.”), *aff’d*, 15 F.3d 1097 (11th Cir. 1994).

39. H.B. 71 decrees exactly how the “text [of the Ten Commandments] shall read,” down to the word. H.B. 71(B)(2).

40. The version of the Ten Commandments mandated in H.B. 71 comes from the Protestant King James Version of the Bible and reflects a Protestant translation. See Finkelman, *supra* at 1492; *Glassroth*, 335 F.3d at 1299 n.3 (noting that “the King James Version” of the Ten Commandments “is a Protestant version”).

41. The version of the Ten Commandments mandated in H.B. 71 does not match versions or translations found in the Jewish tradition, and it omits key language and context that is included in the version set forth in the Torah. For example, it is missing the message in the Jewish story that God brought the Israelites out of Egyptian slavery to freedom. Finkelman, *supra* at 1498 (explaining that in the Torah Exodus 20 begins, “I am the Lord your God who brought you out of the land of Egypt, the house of bondage,” and that for some people of the Jewish faith “[i]mplicit in this biblical view is that God is Israel’s king, hence its legislator”). H.B. 71’s version of the Ten Commandments also summarizes certain

commandments instead of including the text as found in the Torah in its entirety.

42. The version of the Ten Commandments mandated in H.B. 71 does not match the version followed by most Catholics. Finkelman, *supra* at 1493-94 (noting that the Catholic version of the Ten Commandments is “substantively different” from the King James Bible version). While the King James Version of the Bible endorsed in H.B. 71 translates Exodus 20:4 to say, “Thou shalt not make unto thee any graven image,” the Catholic New American Bible translates the phrase to say, “You shall not carve idols for yourselves.” Finkelman, *supra* at 1493-94 (quoting the Catholic New American Bible); *see* Exodus, Chapter 20, *Books of the Bible*, U.S. Conf. of Catholic Bishops, <https://bible.usccb.org/bible/exodus/20>. Thus, “[t]he Catholic ordering of the Commandments is not the same as the Protestant” in that “[t]he Catholic Church does not have a separate prohibition on graven images.” Finkelman, *supra* at 1490. “These differences are of course theological.” *Id.* at 1494; *see* Diarmaid MacCulloch, CHRISTIANITY: THE FIRST THREE THOUSAND YEARS 442-45 (2011). Further, “this feature of the Catholic presentation has long been a subject of anti-Catholic polemic.” Richard W. Garnett, *American Conversations with(in) Catholicism*, 102 MICH. L. REV. 1191, 1198 n.34 (2004).

43. H.B. 71 requires Louisiana teachers to proselytize and instruct students on a Protestant translation of the Ten Commandments and to lead them in religious observance, veneration, and adoption of this religious scripture.

44. House Bill 71 also requires Louisiana teachers to work at all times in the presence of a religious text selected by the state. The message is not subtle. Teachers,

when in a classroom dominated by a “large, easily readable” Protestant version of the Ten Commandments that is the “central focus” of a state mandated display, are expected to adhere to and be guided by that text.

45. As a result of the prominent displays, teachers will be coerced into observance of a specific Protestant version of Christianity. They will also be forced to be complicit in coercing students to similarly adhere to and be guided by the Protestant version of the Ten Commandments. Teachers and students alike, who do not subscribe to the state’s official version of the Ten Commandments, will be unable to avoid fully expressing or practicing their own faiths and religious beliefs or non-religious beliefs in view of their peers, teachers, and other school staff.

Mr. Dier Objects to, And Will Be Irreparably Harmed
By, H.B. 71

46. Displaying the Ten Commandments in accordance with H.B. 71 would violate Mr. Dier’s religious beliefs. Mr. Dier sincerely believes that the law also would coerce him into following, endorsing, and proselytizing a specific faith.

47. Mr. Dier sincerely believes that displaying the Ten Commandments in accordance with H.B. 71 would require him to engage in a religious act that is inconsistent with his faith.

48. Mr. Dier sincerely believes that displaying the Ten Commandments in accordance with H.B. 71 would require him to provide religious instruction contrary to his faith.

49. Mr. Dier sincerely believes that displaying the Ten Commandments in accordance with H.B. 71 would require him to coerce others to follow a particular religious faith.

50. Mr. Dier sincerely believes that displaying the Ten Commandments in his classroom in accordance with H.B. 71 would coerce him to adopt and/or endorse religious views that are inconsistent with his faith.

51. Mr. Dier sincerely believes that displaying the Ten Commandments in accordance with H.B. 71 would require him to engage in religious speech.

52. Absent an injunction, Mr. Dier's refusal to display the Ten Commandments in accordance with H.B. 71 would cause him immediate irreparable reputational harm.

53. Absent an injunction, Mr. Dier's refusal to display the Ten Commandments in accordance with H.B. 71 would lead to adverse professional consequences that would cause him immediate, concrete financial harm.

54. If he were required to display the Ten Commandments in accordance with H.B. 71, Mr. Dier would suffer mental and emotional harm.

**H.B. 71 Will Irreparably Harm Louisiana Students
and their Families**

55. Displaying the Ten Commandments in Louisiana classrooms in accordance with H.B. 71 will irreparably harm Louisiana students by coercing them to adopt or endorse religious views that are inconsistent with their faiths and individual consciences.

56. Displaying the Ten Commandments in Louisiana classrooms in accordance with H.B. 71 will irreparably harm Louisiana families by interfering with parents' ability to guide the spiritual and religious upbringing of their children.

FIRST CAUSE OF ACTION

Violation of the Establishment Clause of the First Amendment to the United States Constitution

(U.S. CONST. amend. I, as enforced by 42 U.S.C. § 1983)

57. Plaintiff realleges and incorporates by reference all prior and subsequent paragraphs.

58. Under the Establishment Clause of the First Amendment, “Congress shall make no law respecting an establishment of religion.” U.S. CONST. amend. I. This command is binding on the states through the due process guarantee of the Fourteenth Amendment. *See, e.g., Cantwell v. Connecticut*, 310 U.S. 296, 303 (1940).

59. House Bill 71 violates the Establishment Clause.

SECOND CAUSE OF ACTION

Violation of the Free Exercise Clause of the First Amendment to the United States Constitution

(U.S. CONST. amend. I, as enforced by 42 U.S.C. § 1983)

60. Plaintiff realleges and incorporates by reference all prior and subsequent paragraphs.

61. The Free Exercise Clause of the First Amendment to the United States Constitution guarantees that “Congress shall make no law . . . prohibiting the free exercise [of religion].” This command is binding on the states through the due process guarantee of the Fourteenth Amendment. *See, e.g., Cantwell v. Connecticut*, 310 U.S. 296, 303 (1940).

62. House Bill 71 violates the Free Exercise Clause.

THIRD CAUSE OF ACTION

Violation of the Free Speech Clause of the First Amendment to the United States Constitution

(U.S. CONST. amend. I, as enforced by 42 U.S.C. § 1983)

63. Plaintiff realleges and incorporates by reference all prior and subsequent paragraphs.

64. The Free Speech Clause of the First Amendment to the United States Constitution guarantees that “Congress shall make no law . . . abridging the freedom of speech.” This command is binding on the states through the due process guarantee of the Fourteenth Amendment. *See, e.g., Gitlow v. People of State of New York*, 268 U.S. 652, 666 (1925).

65. House Bill 71 violates the Free Speech Clause.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Christopher Dier respectfully requests that this Court grant the following relief:

A. An order declaring H.B. 71 to be in violation of the Establishment Clause, Free Exercise Clause, and Free Speech Clause of the First Amendment to the United States Constitution;

B. An order preliminarily and, thereafter, permanently enjoining the Defendants and their officers, agents, affiliates, subsidiaries, servants, employees, successors, and all other persons or entities in active concert or privity or participation with them, from adopting rules or regulations in accordance with, or otherwise enforcing, the Act, and from requiring that the Ten Commandments be displayed in every public school classroom in Louisiana;

C. An order directing Defendants to provide a copy of the written injunction to all Louisiana public elementary, secondary, and charter schools, and all public post-secondary education institutions;

D. An award requiring Defendants to pay Plaintiff reasonable attorneys' fees and costs incurred in connection with this action, pursuant to 42 U.S.C. § 1988;

E. An order retaining this Court's jurisdiction of this matter to enforce the terms of the Court's order; and

F. Such other relief as the Court deems just and proper.

Dated: September 23, 2024

Respectfully submitted,

/s/ Alex Rothenberg

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T.A.

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Counsel for Plaintiff Christopher Dier

** Application for Pro Hac Vice admission
forthcoming*

[SEAL]

APPENDIX E

**In the United States District Court
for the Eastern District of Louisiana**

(Filed Oct. 11, 2024)

CHRISTOPHER DIER,	Civil Action No. 24-2306
<i>Plaintiff,</i>	Judge Greg Guidry
v.	Mag. Judge Michael North
JEFFREY MARTIN LANDRY in his official capacity as Governor of the State of Louisiana; ELIZABETH MURRILL in her official capacity as Attorney General of the State of Louisiana; CADE BRUMLEY, in his official capacity as the Louisiana State Superintendent of Education; CONRAD APPEL, in his official capacity as a member of the Louisiana State Board of Elementary and Secondary Education ("LSBESE"); JUDY ARMSTRONG, in her official capacity as a member of the LSBESE; KEVIN BERKEN, in his official capacity as a member of the LSBESE;	

PRESTON CASTILLE, in his official capacity as a member of the LSBESE; SIMONE CHAMPAGNE, in her official capacity as a member of the LSBESE; SHARON LATTEN-CLARK, in her official capacity as a member of the LSBESE; LANCE HARRIS, in his official capacity as a member of the LSBESE; PAUL HOLLIS, in his official capacity as a member of the LSBESE; SANDY HOLLOWAY, in her official capacity as a member of the LSBESE; STACEY MELERINE, in her official capacity as a member of the LSBESE; and RONNIE MORRIS, in his official capacity as a member of the LSBESE,

Defendants.

DECLARATION OF CHRISTOPHER DIER

I, Christopher Dier, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I reside in Arabi, Louisiana in St. Bernard Parish. I was born in New Orleans East and raised in St. Bernard

Parish, where I have lived nearly my entire life. I have been here continuously since 2010.

2. I am currently in my 15th year of teaching. Since 2020, I have taught Advanced Placement (AP) U.S. History, AP Government, and World History at Benjamin Franklin High School in New Orleans.

3. Benjamin Franklin High School is a highly ranked public charter school located in New Orleans on the shores of Lake Pontchartrain. Each year, we have students accepted into Ivy league schools and top H.B.CUs like Howard, Spelman, and Morehouse. We are proud to be a public charter school that serves students from all different backgrounds and experiences. Our student body is incredibly diverse. Over 60% of our students identify as students of color. The mission of Benjamin Franklin High School is to “prepare students of high academic achievement to be successful in life.”

4. I will be teaching multiple periods of AP U.S. History at Benjamin Franklin High School again this academic year (2024-2025). In that role, I will be teaching over 140 students.

5. From 2015 to 2020, I taught AP Human Geography and World History at Chalmette High School in St. Bernard Parish, where I also helped coach the boys soccer team.

6. Before teaching high school, I taught special education and served as the Special Olympics Coach at Trist Middle School for two years. After, I taught U.S. history and Louisiana history and coached the soccer team at St. Bernard Middle School for three years.

7. I received my Bachelor of Arts in History from East Texas Baptist University (“ETBU”) in 2010. I then earned a Master of Arts in Teaching in 2013 and a Master

of Education (M.Ed.) in Educational Administration in 2018 from the University of New Orleans. Since 2021, I have been completing remote coursework for my PhD in Curriculum, Instruction, and Assessment from Walden University in Minneapolis, Minnesota. I am currently working on my dissertation.

8. My teaching philosophy is to reach hearts and inspire students to enact change in their own lives and their communities. Students must be made to feel visible and be celebrated to ensure their voices are magnified and their potential realized. As a teacher in Louisiana, I am devoted to making students visible regardless of race, class, citizenship status, religion, sexual orientation, gender expression, or any other identifying factor historically used to disenfranchise. Classrooms centered on empathy and justice touch hearts and inspire all students to pursue their ambitions.

9. By adhering to this philosophy in the classroom, I am proud to have received a number of teaching accolades over the years. Most notably, I am the 2020 Louisiana Teacher of the Year and one of four 2020 National Teacher of the Year finalists. I was also awarded the 2021 Louisiana History Teacher of the Year by the Gilder Lehrman Institute and the 2022 Teacher Image Award by the Louisiana Association of Educators. Fighting for Louisiana students on a larger scale and representing my home state has always been an honor.

10. Not only do I teach history in Louisiana, but I have spent time outside of the classroom studying and documenting the history of my home community. In 2017, I authored *The 1868 St. Bernard Parish Massacre: Blood in the Cane Fields*. I have also published a number of articles on education and teaching philosophy. My

curriculum vitae is attached to this declaration and incorporated by reference.

11. Teaching is my passion and my life's work. I believe that a skilled teacher ensures that all students are heard, seen, and recognized, regardless of background. All students have the potential to thrive when given the right conditions, and teachers play a significant role in creating such environments.

Religious Background

12. I grew up in a devout Catholic family living in a similarly devoted community. Our social life and community involvement revolved around the Catholic Church: We attended mass every Sunday; I served as an altar boy; our family attended many church trips and fishing excursions; our community's priests became an integral part of our family. My first job, at age twelve, was in the reception area of the church rectory. Because we could not afford to go to private Catholic school, I attended Catechism until I made my confirmation the summer before my senior year.

13. Despite my Catholic upbringing, I attended college at a Baptist institution on scholarships where, in contrast to my community in Louisiana, I was part of a religious minority. While at ETBU, I engaged with religion both inside the classroom through my theology-related coursework and outside of the classroom through my interactions with my often-evangelical peers.

14. The values of honesty, charity, and inclusion attained through my religious background inform my teaching.

Objections to Ten Commandments Law

15. I learned about the Ten Commandments Law, House Bill 71 (“H.B. 71”), from friends and colleagues.

16. I teach all of my classes in a single classroom into which students rotate in and out for ninety-three minute period blocks throughout the day. That room is used exclusively for educational instruction about U.S. History. The walls of my classroom include posters about topics relating to U.S. history, and the messages on those posters are congruent to my curriculum.

17. Personally, I cannot and will not abide by H.B. 71 if it is implemented in my school, even if it would put my job at risk.

18. Posting the Ten Commandments on the walls of a public school classroom in my role as a teacher and during time set aside specifically for educational instruction is a religious act that also violates my religious beliefs and teaching philosophy, as doing so legally coerces me into the role of messenger of a state-sponsored program of religious proselytization.

19. A requirement to post *any* version of the Ten Commandments on the walls of my classroom would violate my religious beliefs and teaching philosophy. H.B. 71 is especially pernicious because it forces me to proselytize a specific Protestant Christian translation of the Ten Commandments to my students, a version of the Ten Commandments that is not shared by all Christians, Jews, or Muslims.

20. By demanding that the Ten Commandments be on every public classroom wall in Louisiana, the State of Louisiana is advancing a specific type of Christianity as the superior and primary religious belief to be celebrated in Louisiana public education. This move positions my

fellow teachers and students who observe Buddhism, Hinduism, Islam, and other religious beliefs as operating under lesser celebrated religious norms in Louisiana public classrooms, which is discriminatory and unconstitutional. Studies show that students who face discrimination or who do not feel valued often underperform academically. H.B. 71 will not only discriminate against non-Protestant and non-Christian students, but it will severely hinder their right to an education as it will make these students feel unwelcome in their classroom and school.

21. In my pedagogical and personal convictions, I believe that every student must feel validated in the classroom. Teachers play a key role in fostering this type of supportive environment. H.B. 71 will force me to take action that leads my students to believe that the school and I each view certain students' personal beliefs and religious beliefs as inferior or less worthy than the religious beliefs espoused by the State of Louisiana. This is insidious and dehumanizing for all of my students, especially non-Protestant students and non-Christian students.

22. H.B. 71 is coercive. The consequence for a teacher's noncompliance with state law and school policies in the classroom is termination. I know that if I do not comply with H.B. 71, I could be at risk of losing my job. If this law is enforced, I predict that Louisiana will see a mass exodus of teachers who do not believe in the State's prescribed version of the Ten Commandments contained in H.B. 71 or feel it is a violation of their constitutional rights. This is a striking concern in a state with an existing teacher shortage.

23. I also know that, even if I am not fired, my noncompliance with H.B. 71 could make advancement in

my career virtually impossible. It could foreclose my career as a teacher and also harm my reputation in various spaces. H.B. 71 also places me in an impossible position with my students. I teach my students that they must comply with the law; I model that teaching in my own personal conduct. H.B. 71 forces me to choose between following my moral, religious, and legal convictions (and refusing to comply with a law) or following the law.

24. I am unable to reconcile my moral, religious, and legal objections with the requirements of H.B. 71. There is no way of displaying the Ten Commandments in my classroom in accordance with the requirements of H.B. 71 that would not violate my religious and personal beliefs. I have reviewed the fifteen collage displays offered by the State in its opposition to the preliminary injunction motion in *Roake v. Brumley*, No. 3:24-cv-00517-JWD-SDJ (M.D. La. Aug. 5, 2024), Dkt. 39-1, and all would violate my constitutional rights by forcing me to proselytize a specific version of the Protestant faith. Moreover, displaying the Ten Commandments would not be relevant to my AP U.S. History class.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 25, 2024.

By: /s/ Christopher Dier
Christopher Dier