

Judge rules La. sex law violates offenders' rights

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NEW ORLEANS — A Louisiana law violates the constitutional rights of people who were required to register as sex offenders after they were convicted of soliciting oral or anal sex for money, a federal judge ruled Thursday.

U.S. District Judge Martin Feldman said state lawmakers had no "rational basis" for requiring people to register as sex offenders if they were convicted of a "crime against nature by solicitation."

Feldman sided with nine anonymous plaintiffs who sued last year, saying they wouldn't have had to register as sex offenders if instead they had been convicted of soliciting sex for money under the state prostitution law.

Civil rights attorneys who filed the suit against Louisiana Attorney General James "Buddy" Caldwell and other state officials claim the law is unconstitutional and discriminatory, unfairly condemning sex acts traditionally associated with homosexuality.

State attorneys are reviewing the ruling and Louisiana's options, Laura Gerdes, a spokeswoman for state Attorney General Buddy Caldwell, wrote in an email.

Feldman said the plaintiffs proved they have been deprived of their equal protection rights under the Fourteenth Amendment.

"The defendants fail to credibly serve up even one unique legitimating governmental interest that can rationally explain the registration requirement imposed on those convicted of Crime Against Nature by Solicitation," Feldman wrote. "The Court is left with no other conclusion but that the relationship between the classification is so shallow as to render the distinction wholly arbitrary."

Feldman gave the plaintiffs five days to submit a proposed judgment consistent with his decision. Plaintiffs' attorney Alexis Agathocleous said he and his colleagues were still reviewing the ruling and weighing their options but would, at a minimum, ask for the names of the nine anonymous plaintiffs to be removed from the sex offender registry.

"We will work with the court to sort out the precise details of the judgment in this case," said Agathocleous, an attorney for the Center for Constitutional Rights in New York.

Agathocleous said the ruling represents "powerful vindication" for the plaintiffs and a rebuke of a statute "borne of age-old animus."

Feldman said the issue before him "is not about approval or disapproval of sexual beliefs or mores."

"It is about the mandate of equality that is enshrined in the Constitution," he wrote.

The state Legislature amended the 200-year-old law last year so that anyone convicted of a "crime against nature by solicitation" no longer will be required to register as a sex offender. But the change didn't apply to roughly 400 people who already had been convicted of the crime and were registered sex offenders.

The state argued the plaintiffs didn't have a constitutionally protected right to privacy after being convicted of engaging in sex acts for money.

Gov. Bobby Jindal originally was named as a defendant in the suit, but the claims against him were dismissed last year.