

SUPREME COURT OF LOUISIANA

NO. 95-CA-2189

JODY W. MANUEL, STACEY P. FORET,
BURKE G. PIERROTTI AND WENDELL J. MANUEL

V.

HONORABLE EDWIN W. EDWARDS, GOVERNOR;
RICHARD P. IEYOUB, ATTORNEY GENERAL;
J. WILLIAM PUCHEU, DISTRICT ATTORNEY; AND
TERRY PITRE, COMMISSIONER, LOUISIANA OFFICE
OF ALCOHOL BEVERAGE CONTROL, DEPARTMENT
OF REVENUE AND TAXATION

MARCUS, Justice (dissenting)

In my opinion, there is not a sufficient correlation between restricting the sale of alcoholic beverages to persons under twenty-one and the enhancement of traffic safety to support the conclusion that the classification is substantially related to the statutory objective. The majority permits this based upon tenuous statistical data. Applying the same standard of scrutiny, the United States Supreme Court in Craig v. Boren, 429 U.S. 190 (1976) held, in a case similar to the present case, that the relationship between the gender classification and the goal of traffic safety was far too tenuous to support a conclusion that the classification was substantially related to achievement of the statutory objective. The Court commented that the correlation was "an unduly tenuous `fit.'" I agree. To further support its position, the majority relies upon "logic and experience"; however, this depends upon whose logic and experience are being employed.

Accordingly, I respectfully dissent.