

SUPREME COURT OF LOUISIANA

No. 99-CA-2337

CLAUDE M. PENN, JR., GLADNEY L. MANUEL, JR., FELICIANA VENTURES, INC., AND MANUEL'S I-10 AUTO & TRUCK STOP, INC.

Versus

STATE OF LOUISIANA, THROUGH THE HONORABLE MURPHY J. FOSTER, JR., GOVERNOR, THE HONORABLE RICHARD P. IEYOUB, ATTORNEY GENERAL, THE SUPERVISORY COMMITTEE ON CAMPAIGN FINANCE DISCLOSURE AND THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, LOUISIANA GAMING CONTROL BOARD

ON APPEAL FROM THE NINETEENTH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
HONORABLE JEWEL E. WELCH, JUDGE

LEMMON, J., Concurring

The State of Louisiana, in completely denying the rights of some members of the gambling industry to contribute to political candidates and committees, claims a compelling interest in preventing actual corruption or the appearance of corruption caused by the influence of large contributions by individuals with gambling interests to a candidate's election. This argument fails for a number of reasons.

First, the State cannot legalize several forms of gambling in one fell swoop¹ and then shortly thereafter limit the First Amendment rights of some persons in the gambling industry by claiming that the now legal, licensed and highly regulated industry is corrupt. More significantly, because the persons in the gambling industry who are now totally banned from making campaign contributions were already limited by a valid statute (under Buckley v. Valeo, 424 U.S. 1 (1976)) from contributing more than

¹The validity of the 1992 statutes legalizing several forms of gambling is not before the court in the present case. I did not get to vote on the issue in Polk v. Edwards, 626 So. 2d 1128 (La. 1983), because of our temporarily having eight persons on a seven-justice court.

\$1000, \$2500 or \$5000 to candidates, there was no true danger that individual contributions of large sums of money to a candidate, for the quid pro quo arrangements feared in Buckley v. Valeo, will result in corruption of the electoral process. Finally, and perhaps most importantly, Buckley v. Valeo established only a “single narrow exception” to keeping debate on public issues “uninhibited, robust, and wide-open.” The statutes and rules at issue do not come close to fitting within that narrow exception.