

**SUPREME COURT OF LOUISIANA**

**No. 00-CA-1176**

**EUGENE C. LATOUR, II, CLYDE LAFLEUR  
and JOSEPH L. LACHNEY, JR.**

**VERSUS**

**STATE OF LOUISIANA; HONORABLE M.J. “MIKE” FOSTER,  
GOVERNOR; RICHARD P. IEYOUB, ATTORNEY GENERAL;  
WILLIAM R. “RUT” WHITTINGTON, SUPERINTENDENT, STATE  
POLICE**

**ON APPEAL FROM THE THIRTEENTH JUDICIAL DISTRICT COURT  
FOR THE PARISH OF EVANGELINE,  
HONORABLE PRESTON AUCOIN, JUDGE**

**CALOGERO, Chief Justice, subscribing to the opinion and assigning  
additional reasons.**

I agree with the majority opinion. However, I write separately to build on that reasoning on an issue that I feel is important to the resolution of this case. Laws enacted by the Legislature are entitled to a presumption of constitutionality from our courts. See State v. Griffin, 495 So. 2d 1306, 1308 (La. 1986); City of Lake Charles v. Henning, 414 So. 2d 331, 333 (La. 1982). Further, “it is not enough [for a person challenging a statute] to show that the constitutionality [of the statute] is fairly debatable, but, rather, it must be shown clearly and convincingly that it was the constitutional aim to deny the Legislature the power to enact the statute.” Board of Directors of Louisiana Recovery Dist. v. Taxpayers, Property Owners, & Citizens of the State of Louisiana, 529 So. 2d 384, 388 (La. 1988); accord Ancor v. Belden Concrete Products, Inc., 260 La. 372, 379, 256 So. 2d 122, 125 (1971). This presumption of a statute’s constitutionality is especially true in a situation such as this where the Legislature has limited the scope of gambling because the Louisiana Constitution commands: “Gambling shall be defined by and suppressed by the

legislature.” La. Const. art. XII, § 6(B).

As we held in Polk v. Edwards, this constitutional provision was intended to grant the Legislature extensive authority in its regulation of different types of gambling. 626 So. 2d 1128, 1141 (La. 1993). In fact, this broad authority was such that we found that “the Legislature has the power to ‘determine how, when, where and in what respects gambling shall be prohibited or permitted.’” Polk, 626 So. 2d at 1141 (quoting Gandolfo v. Louisiana St. Racing Comm’n, 227 La. 45, 71-72, 78 So. 2d 504, 514 (1954)). While this broad discretion does not permit the Legislature to ignore other mandates of the constitution (such as Article I, § 3 which prohibits discrimination based on race, religion, age, sex, culture, physical condition, or political ideas), this deference to legislative action in the field of gambling should play an important role in our reasoning today.