



P.O. BOX 56157
NEW ORLEANS, LA 70156
P: (504) 522-0617

MARJORIE R. ESMAN
EXECUTIVE DIRECTOR

October 30, 2012

OPEN LETTER REGARDING HALLOWEEN

BY FAX 504-278-7603
And by regular mail
Sheriff James Pohlmann
Parish of St. Bernard
Courthouse Annex
#2 Courthouse Square
Chalmette, LA 70043

Dear Sheriff Pohlmann:

We write regarding the signs that your deputies are placing on the homes of registered sex offenders. While protecting children at Halloween and any other time is of course essential, these signs violate the First Amendment and therefore must be removed from the homes where they have been affixed.

Just yesterday a federal judge in California temporarily blocked a requirement that certain registered sex offenders post signs reading “No candy or treats at this residence.” The court ruled that these signs violate the First Amendment right to be free from compelled speech. *John Doe #1 et al v. City of Simi Valley*, CV 12-8377 PA-VBK (USDC, Central District of California). Finding that “a number of less speech restrictive alternatives exist that serve substantially to further the aims of the statute,” including prohibitions almost identical to those in Louisiana law, the court in California found that the City of Simi Valley failed to meet its burden to show that the sign requirement was “narrowly tailored to achieving [the] compelling interest” of protecting children on Halloween.

These signs violate the privacy rights of family members who have committed no crimes and who are therefore not subject to registration or any other restrictions on their activities. To again quote from yesterday’s ruling in California,

the sign requirement . . . poses a danger to sex offenders, their families and their property. Although the sign employs innocuous language, its function and effect is likely to approximate that of Hawthorne’s *Scarlet Letter* – drawing immediate public attention to [household residents] . . .and potentially subjecting them to the dangerous mischief common on Halloween night and to community harassment in the weeks and months following.

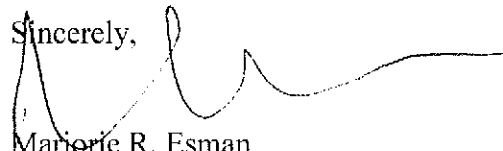
In short, these signs do not enhance the safety of trick-or-treaters. Those individuals who are prohibited by law to distribute treats can be monitored, as your deputies will do. Existing law ensures that treats cannot be distributed by those who are on the registry. In contrast, signs such as the ones your deputies are posting on doors can harm the residents inside those homes.

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including innocent children and other family members whose safety and privacy must be protected.

We therefore urge you to have the signs removed from the doors where they have been posted, and to employ your deputies in ways that will protect children consistent with the Constitutional protections guaranteed by the First Amendment to the U.S. Constitution.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marjorie R. Esman', with a long horizontal flourish extending to the right.

Marjorie R. Esman
Executive Director