



Sheriff should remember this is America

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Terrebonne Sheriff Jerry Larpenner, Parish President Gordy Dove, District Attorney Joseph Waitz Jr. and a host of other parish officials and connected business people have found themselves the target of a blog that says it is out to expose corruption in local government.

In response to a complaint filed by one of the people mentioned on the blog — Terrebonne Levee District President Tony Alford — the Sheriff's Office conducted a raid Tuesday, focusing on Houma Police officer Wayne Anderson's home, computers and cell phones.

The sheriff was woefully out of place in ordering criminal raids for a matter that is clearly best handled in a civil suit, if that.

And he has set a dangerous precedent in asserting that official power can be used to silence public dissent.

While the sheriff used criminal defamation as a potential charge to get search warrants, the law itself is questionable at best.

The criminal statute Larpenner alleges has been violated is itself a violation of the First Amendment — at least as it relates to public figures and those “who are engaged in public affairs” — and the Supreme Court said so more than half a century ago. This law should have been removed by the Legislature in the first place, and the Legislature should overturn it now that we have seen the mischief it can bring in the wrong hands.

District Judge Randy Bethancourt, who signed the original search warrant, ruled Friday after a hearing that the search was valid. Anderson's lawyers are appealing that ruling and are considering a lawsuit in federal court as well.

Even if the law was broken, which it doesn't appear to have been, the Sheriff's Office has a clear conflict of interest in investigating this case. Since Larpenner is a central character in the blog's critiques, another law enforcement agency should have handled the investigation. District Attorney Joseph Waitz Jr. recused himself from the case, saying he wanted to avoid “the appearance of impropriety.” The sheriff should have done the same.

Much has been made of the anonymous nature of the blog, but anonymous speech should enjoy every First Amendment protection that other speech enjoys. Not signing one's name is not a crime. Ironically, anonymous critiques will likely become more popular now that the entire region has seen what can be brought to bear when a member of the public speaks up about those in power.

The sheriff seems to have a poor understanding of the law and the U.S. Constitution. "If you're gonna lie about me and make it under a fictitious name, I'm gonna come after you." There is nothing judicious or lawful about that statement. It implies that because Larpenter is the sheriff, he can initiate criminal cases regardless of whether there is any legal basis for those charges. In this case, there clearly is not. Secondly, the sheriff needs to explain exactly who he thinks this website has "defamed" and specify how that is the case.

This whole ugly episode will have a chilling impact on potential speech in the future. Everyone here must think twice about criticizing the sheriff or other officials, or face the possibility of home raids and possible criminal charges under a law that has been ruled unconstitutional. That is the message the sheriff is sending to his constituents.

And what of consistency? Will Larpenter now set up a special crime squad to monitor the tone and truthfulness of social media comments about people outside his group of friends and family? Will he file charges against those who defame people who aren't as well connected?

This is a terrible example of the power of government and how quickly it can be abused. The sheriff and the state Attorney General's Office, which is handling the case in place of Waitz, should immediately drop this ridiculous witch hunt and allow American citizens to have their say — even if it hurts some feelings.

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