

Prisoner has the right to a name change

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What's in a name? Does a person have a right to change his or her name? If you want to be called Trip, Tray or Troy, whose business is it other than yours?

Of course, if you want to change it legally, so that the legal documents refer to you by your chosen, rather than given, name, the courts must be involved. For the most part, the courts do not care, except if you want to take a name that earns money for another person or business. But generally, your name is yours.

Except if you are in prison, apparently.



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<http://www.delawareonline.com/story/news/local/2014/10/23/transgender-delaware-inmate-fights-name-change/17789361/?from=global&sessionKey=&autologin=>

Delaware law permits a prisoner to change his or her name for profoundly religious reasons. It does not allow a prisoner to make a name change for seemingly less profound reasons, such as gender identification purposes.

A Delaware prisoner, Lakisha Lavette Short, wants to be legally named Kai. However, the courts will not allow it. Therefore, the Delaware chapter of the American Civil Liberties Union is taking the prisoner's case to the Supreme Court. It is developing into a First Amendment issue.

The whole affair seems to be a waste of time. Lakisha Lavette Short should be allowed to be called Kai Short. What does it matter to anyone, especially the state of Delaware?

The state law allows name changes for religious reasons, but not for secular reasons. As the ACLU lawyers point out, this is on shaky ground. It appears to be a case of preferring a religious belief over a non-religious belief. That clearly flies in the face of the First Amendment.

In one court ruling, a Superior Court judge denied the name change because the state has legitimate reasons for limiting name changes: The prison administration must be able to identify an inmate quickly and accurately. Why would that not apply to religious name changes as well? Why would it apply only to secular or transgender name changes?

The law spells out the circumstances surrounding approved name changes. Judges cannot and should not lightly cast off what Legislatures have devised. But they can point out when the laws run into conflict with other laws and rights.

In this case, the First Amendment right of everyone to change his or her name. If the state offered the argument that prisoners have no such rights, dismissing a name-change request would be one thing.

Obviously, though, the General Assembly took into consideration prisoners' rights when it wrote and passed a law recognizing the religious prisoner's First Amendment rights to express himself or herself.

Why doesn't that same reasoning and recognition of rights extend to the secular prisoner? In both cases, these First Amendment rights do not erase restrictions placed on the prisoner, such as no contact with victims, or limitations placed on the prisoner because of confinement, such as hate speech or singing in the middle of the night.

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