

# Inside Straight: The Third Branch

## Case Summaries & Case Studies

### *State v. Russell, 477 N.W.2d 886 (Minn. 1991)*

#### CASE SUMMARY

The Minnesota Supreme Court held that the statute that prescribed different penalties for possession of similar amounts of crack cocaine and powder cocaine violated the equal protection provision of the Minnesota Constitution. The statute provided that a person possessing three grams of crack cocaine was guilty of a third-degree offense, but it took possession of ten grams of powder cocaine to be guilty of a third-degree offense. The presumptive sentence for possessing three grams of crack cocaine was an executed 48 months imprisonment, but a conviction for possession of a similar amount of powder cocaine only called for a stayed 12 months of imprisonment with probation. The court concluded that there was not a rational basis to support the disparate treatment of crack cocaine—which all parties agreed was used much more heavily among African-Americans—and powder cocaine.

#### CASE STUDY

*State v. Russell, 477 N.W.2d 886, (Minn. 1991)*

**Facts:** In 1989, the Minnesota Legislature passed a criminal law prohibiting cocaine drug use, which created separate categories and penalties for the use of crack cocaine as compared to cocaine powder use. Here is how the law was set up:

	Minn. Stat. 152.023, subd. 2	Minn. Stat. 152.025
<b>Level of Offense</b>	3 <sup>rd</sup> Degree	5 <sup>th</sup> Degree
<b>Crime</b>	Possession of 3 or more grams of “crack” cocaine	Possession of less than 10 grams of cocaine powder
<b>Penalty</b>	up to 20 years in prison	up to 5 years in prison
<b>Sentencing Guidelines</b>	Presumptive Sentence - executed 48 months imprisonment	Presumptive Sentence - stayed 12 months of imprisonment and probation

The defendants in this case were five African-American men who were charged with possession of 3 grams of crack cocaine under Minn. Stat. 152.023, subd. 2. Defendants asked the trial court to dismiss the charges because the law had a discriminatory impact on black persons and therefore violated the equal protection guarantees of the federal and state constitutions.

**Trial Court Decision:** Judge Pamela Alexander was the trial court judge who agreed with the defendants. The trial court found that crack cocaine is used predominantly by blacks and that cocaine powder is used predominantly by whites. During the year 1988, statistics showed that of all the persons charged with possession of crack cocaine, 96.6 % were black. Of all persons charged with possession of powder cocaine, 79.6% were white. As a result a far greater percentage of blacks than whites face more severe consequences for possession of crack cocaine than their white counterparts who possess cocaine powder.

The trial court concluded that the law had a discriminatory impact on black persons and that there was no rational basis for the distinction between crack cocaine and cocaine powder in the law. Therefore the law did not apply fairly to all persons thereby violating the equal protection guarantees of the Minnesota Constitution.

Charges against the defendants were dismissed. However, the trial court did certify the question as to whether the statute is constitutional to the Minnesota Court of Appeals. Before the Minnesota Court of Appeals could rule, the Minnesota Supreme Court granted petitions by both the state and defendants to hear the case right away.

**Minnesota Supreme Court:** The issue before the Minnesota Supreme Court was whether the Minnesota cocaine law violated a guarantee of the Minnesota Constitution that all persons in similar situations are to be treated alike. In order to make distinctions in the law there must be a reasonable basis for doing so.

The Court looked to whether there was a reasonable basis for the distinction between users of crack cocaine and users of powder cocaine. It concluded there was no good basis for the different categories. First, the legislature justified the 3 gram crack cocaine and 10 gram powder cocaine level as the levels at which street-level dealing, not merely using, took place. So the purpose of the classification was to facilitate prosecution of “street level” drug users. The Court found insufficient evidence to support this and found the distinction to be arbitrary.

Second, the legislature based the law on the fact that crack cocaine tended to be more addictive than cocaine powder thereby justifying different treatment. The Court was not persuaded and felt it was not so much the type of cocaine used as the method of ingestion (sniffed or smoked) that created the greater danger. Powder cocaine could be dissolved in water and injected intravenously achieving the same effect on the body as smoking crack cocaine. So the greater danger of crack cocaine is not a valid justification if powder cocaine could produce the same results.

Not only was there no reasonable basis for the different categories in the law, the Court also concluded that the categories had no relevance to the purpose of the law. Without more evidence that 3 grams of crack cocaine included only drug dealers, the statute could be arbitrarily punishing personal users in a more harsh way. Also it doesn't seem fair that someone who has 10 grams of powder cocaine, which could be easily converted into more than three grams of crack, should be punished only for 5<sup>th</sup> degree possession of cocaine.

The Minnesota Supreme Court affirmed the trial court's decision that Minnesota Statute Sec. 152.023, subd. 2 (1) (1989) violated the Minnesota Constitution's guarantee that all laws are to treat people fairly.

Although the Minnesota Constitution has no specific language guaranteeing equal protection of the law, Justice Simonett explained in a concurring opinion that equal protection is read into the

Constitution as an "unenumerated" constitutional right. Minn. Const. Art. 1, Sec. 16 states "The enumeration of rights in this Constitution shall not deny or impair others retained by and inherent in the people." Article 1, Sec. 2 provides "No member of this state shall be disenfranchised or deprived of any of the rights or privileges secured to any citizen, thereof, unless by the law of the land or the judgment of his peers." One of the inherent rights secured to a free people by Section 2 is the inherent right to "equal and impartial laws which govern the whole community and each member thereof." Put another way, persons similarly situated are to be treated alike unless a sufficient basis exists for distinguishing among them.

# ***State v. Target Stores, Inc.*, 156 N.W.2d 908 (1968)**

## **CASE SUMMARY**

Target and Shoppers City challenged the state's Sunday-closing law. That law prohibited the sale of certain products by certain sellers on Sundays. The Supreme Court held that "the state has broad constitutional power to establish a common day of rest, repose, recreation, and tranquility" and that the statute did not, therefore, violate the First Amendment. But the court ultimately held that the statute violated the due process clause of the Fourteenth Amendment because it was too "vague and uncertain in its statutory scheme and criminal consequence." According to the court, the statute did not define what products could and could not be sold on Sundays with enough specificity to put merchants on notice of the consequences of certain sales.

## **CASE STUDY**

### ***State v. Target Stores, Inc.*, 156 N.W.2d 908 (1968)**

In 1967, the Minnesota Legislature enacted a law prohibiting the sale of certain items on Sundays. Criminal penalties were included for violations of the law. The classes of items restricted included:

Cameras; musical instruments including pianos and organs, record and other recordings; phonographs and tape recorders; radio receivers and television receivers; jewelry; clocks and watches; furs; furniture and other home furnishings; home appliances; footwear; wearing apparel of all kinds; luggage; lawn mowers and other power driven or manually operated machinery and equipment; hardware and tools; paints, varnishes and wallpaper, and painting and wallpaper tools and supplies; lumber and other building materials and supplies; floor coverings.

However, certain exceptions were also made. Sales not restricted by the 1967 law included the sale of items not included in the above list, sales of items at places of entertainment and recreation if the item was to be used at that place; sales by retailers whose business is 'seasonal;' and sales at a state or county fair.

Although the legislature did not declare a purpose of the law, ostensibly the legislature was following in the tradition of other Sunday closing laws, the purpose of which are to promote a day of rest for the citizenry. However, the new suburban discount stores read the law as an attempt to suppress competition and favor the downtown stores which preferred to be closed on Sunday.

Target, the defendant, and amicus curiae (friend of the court) Shoppers City claimed that the law was unconstitutional on several grounds. First, the defendant claimed that the law discriminated against suburban discount stores and singled out only retail merchants, exempting certain commodities and sellers of commodities from restriction, in violation of the Equal Protection clause of the Fourteenth Amendment. Second, the Minnesota Civil Liberties Union (amicus) argued that the law effectively helped to 'establish religion' or to 'prohibit the free exercise of religion' which violated

the First Amendment. And finally, the law was too vague and could not reasonably inform a person of the potential criminal consequences of his/her acts, which is a violation of the Due Process clause of the Fourteenth Amendment. In summary, the defendants argued that the law was discriminatory, unequal in its treatment of people, violated the separation of church and state, and was too vague.

The opinion of the Minnesota Supreme Court, written by Justice Peterson, drew heavily from the precedents established by four landmark U.S. Supreme Court decisions issued in 1961 collectively referred to as the “Sunday Closing Cases.”

These cases provided the basis for the court to dismiss the assertion that the law in question violated the separation of church and state. Peterson wrote:

We hold, on the controlling authority of the United States Supreme Court in the Sunday Closing Cases, that the state has broad constitutional power to establish a common day of rest, repose, recreation, and tranquility; and we hold on the same authority that the exercise of that power in the instant case does not offend against the First Amendment.

The U.S. Supreme Court held that the states certainly had the power to designate a day of rest in the interest of the public good. Chief Justice Warren, writing in *McGowan v. State of Maryland*, one of the Sunday closing cases, said, “To say that the States cannot prescribe Sunday as a day of rest...because centuries ago such laws had their genesis in religion would give constitutional hostility to the public welfare...” In other words, even though the practice of resting on Sunday may have its origins in a particular religion’s practice, this should not currently prevent states from establishing a day of rest on the same day for non-sacred reasons.

The discrimination and unequal treatment arguments were also dismissed by the Minnesota court on bases provided by the *McGowan* decision. Justice Warren, in *McGowan*, wrote:

...[T]he Fourteenth Amendment permits the States a wide scope of discretion in enacting laws which affect some groups of citizens differently than others. The constitutional safeguard is offended only if the classification rests on grounds wholly irrelevant to the achievement of the State’s objective. State legislatures are presumed to have acted within their constitutional powers despite the fact that, in practice, their laws result in some inequality. A statutory discrimination will not be set aside if any state of facts reasonably may be conceived to justify it.

Finally, the question of vagueness was tackled. Here the Minnesota court abandons the Sunday Closing Cases noting that none of them addressed the issue of vagueness. Instead the opinion refers to a U.S. Supreme Court statement from *Connally v. General Const. Co.*, which declares the principle essential to determining whether a law is too vague and therefore violates the due process of law:

...[A criminal] statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily

guess at its meaning and differ as to its application, violates the first essential of due process of law.

Restated, this principle requires that a law be clear enough that all people of average intelligence would easily agree about the law's meaning and how it is to be applied. When a law punishes certain behavior, then due process requires that those behaviors be obviously described so people can easily understand how to avoid the punishment. If people could easily be confused as to what behaviors the law prohibits, the law violates the due process requirement.

In the Minnesota court's opinion, Peterson quoted an earlier Minnesota ruling in *State v. McCorvey*, "A criminal statute must be definite enough to give notice of the conduct required to anyone who desires to avoid its penalties..."

The court held that the law in question did not pass this test for clarity. Peterson wrote "...the vagueness and uncertainty in the designation of restricted commodities does not afford clear warning to a potential defendant of conduct which may result in severe penal sanctions..." Examples were provided to illustrate this ambiguity, including the following:

A merchant might well be in doubt whether portable outdoor barbecue grills, with or without motor-driven rotisserie units, are either unrestricted or are restricted as being within such classifications as 'home appliances,' 'furniture and other home furnishings,' or 'lawn mowers and other machinery and equipment.'

Therefore, the law prohibiting the sale of certain restricted commodities on Sunday was declared unconstitutional because the court was not convinced that reasonable people could easily discern which specific items were restricted and which were not. Without that clarity, the law violated the Due Process clause of the Fourteenth Amendment of the U.S. Constitution.

This case did not address other laws that specifically prohibited Sunday activity such as the prohibition on Sunday car sales and the operation of commercial trucks in cities. These laws remained the law in Minnesota until the Minnesota Legislature repealed many of them during the approximately 20 years after this case. In some cases, such as Sunday car sales and liquor sales, the laws limiting sales continue to exist today.

# The Driveway Case

## CASE SUMMARY

The case of “Who owns the Driveway” in the Inside Straight video has facts that are similar to many cases heard by the courts. In these cases, one person believes the property is hers and acts like it belongs to her (uses it, plants trees on it, etc.) while another person claims rights to the property because of the legal description of the property. The legal description describes the boundaries of the property that someone owns. The courts look at six elements in deciding who actually owns the property. 1) Was the property used for at least 15 years? 2) Was the use open, obvious? 3) Was the use exclusive? 4) Was the property used in a hostile way? 5) Was the use continuous? 6) Was the use actual?

## CASE STUDY

### Driveway Case

The girl in the driveway case says that her family won the case in the Minnesota Court of Appeals because her family proved two things:

- 1) That they used the driveway for over fifteen years; and
- 2) That they made improvements to the driveway. They had receipts showing that they had paid for paving it.

The legal theory that allowed the girl's family to become the legal owners of the driveway in question is called **adverse possession**. When you want to get control of a piece of real property which you don't actually own, you can try to adversely possess it. You do this by acting as though the property really does belong to you. There are certain ways to do this in order to win. You must "possess" or use the land for **at least fifteen years**, like the family in the driveway case. You must also be **open** about your use of the property. That is, your use must be obvious.

The driveway case family certainly was "open" about their use. Look at the driveway case map. You can see that the girl's family drove right in front of their neighbor's house probably every day for as long as the daughter can remember. And, the girl's family blacktopped the dirt road eighteen years ago. In doing this, they weren't hiding their use of the driveway. They were very "open" about it. Their use was obvious.

The fifteen-year requirement and the need to be "open" about the use of the property are only two of six things (or elements as they are legally called), which must be proven to win an adverse possession case. This means that the girl's family must have also proven four other things about their use of the driveway.

They must have proven that their use was **exclusive**.

**Exclusive** means you use the property in a way that excludes others. On the driveway case map, you can see that the driveway that goes on the neighbor's property leads to the main road in front of the two houses. The driveway is not used by everyone who drives on the main road, but is used only, or exclusively, by the girl's family and

their guests. (You can never adversely possess public property because others use the land with you so your use of it is never exclusive.)

They must have proven that their use was **hostile**.

**Hostile** use does not mean that you are an angry, mean user of the property. It simply means that you use the property in a way that claims your exclusive ownership as against everyone else. When the girl's family blacktopped the driveway, that act was "hostile," or contrary, to the rights of their neighbors.

They must have proven that their use was **continuous**.

**Continuous** means that the adverse possessor's use was not interrupted in any way for the fifteen years. The girl in the driveway case said her family used the driveway "for as long as she could remember" and there were no claims that her family stopped their use of it at any time during the fifteen-year requirement.

They must have proven that their use was **actual**.

**Actual** has to do with the nature of the possession. If, in the driveway case, the girl's family only used the driveway a few times a year for the full fifteen years, their use was "continuous," but not actual. This is the hardest element to understand, but should become more clear as we go through some cases.

The fifteen-year requirement for adverse possession is mandated by Minnesota Statute 541.02, which addresses the recovery of real estate.

#### **541.02 Recover of real estate, 15 years**

No action for the recovery of real estate or the possession thereof shall be maintained unless it appears that the plaintiff, the plaintiff's ancestor, predecessor, or grantor, was seized or possessed of the premises in question within 15 years before the beginning of the action.

Such limitations shall not be a bar to an action for the recovery of real estate assessed as tracts or parcels separate from other real estate, unless it appears that the party claiming title by adverse possession or the party's ancestor, predecessor, or grantor, or all of them together, shall have paid taxes on the real estate in question at least five consecutive years of the time during which the party claims these lands to have been occupied adversely.

The provisions of paragraph two shall not apply to actions relating to the boundary line of lands, which boundary lines are established by adverse possession, or to actions concerning lands included between the government or platted line and the line established by such adverse possession, or to lands not assessed for taxation.

The remaining elements that must be proven in order to prevail in an adverse possession claim are defined and explained by Minnesota case law.

Before discussing Minnesota cases which address the elements required by adverse possession, it is important to note that if an owner of real property registers his or her title to the property by using the Torrens Title System, which results in a certificate of title to the land, that title cannot be affected by adverse possession. This is covered by Minnesota statute.

**508.02 Registered land subject to same incidents as unregistered; adverse possession excepted**

Registered land shall be subject to the same burdens and incidents which attach by law to unregistered land. This chapter shall not operate to relieve registered land or the owners thereof from any rights, duties, or obligations incident to or growing out of the marriage relation, or from liability to attachment on mesne process, or levy on execution, or from liability to any lien or charge of any description, created or established by law upon the land or the buildings situated thereon, or the interest of the owner in such land or buildings. It shall not operate to change the laws of descent or the rights of partition between cotenants, or the right to take the land by eminent domain. It shall not operate to relieve such land from liability to be taken or recovered by any assignee or receiver under any provision of law relative thereto, and shall not operate to change or affect any other rights, burdens, liabilities, or obligations created by law and applicable to unregistered land except as otherwise expressly provided herein. No title to registered land in derogation of that of the registered owner shall be acquired by prescription or by adverse possession.

## ***State v. Hershberger*, 462 N.W.2d 393 (Minn. 1990)**

### **CASE SUMMARY**

Amish residents were given traffic citations for failing to display slow-moving vehicle symbols on their buggies. The case was before the Minnesota Supreme Court on remand from the United States Supreme Court to be considered in light of the U.S. Supreme Court's holding in *Employment Div., Dep't of Human Resources of Oregon v. Smith*, 110 S. Ct. 1595 (1990). In *Smith*, the U.S. Supreme Court held that a law of general application, one that is not intended to regulate religious belief or conduct, is not invalid if the law incidentally infringes on religious practices (e.g., state can prohibit use of peyote despite the fact that the drug is used during some Native American religious ceremonies).

The Amish alleged that their religious beliefs prohibited them from displaying the symbols required by the statute that they were cited for violating. The Minnesota Supreme Court recognized "that individual liberties under the state constitution may deserve greater protection than those under the broadly worded federal constitution." It concluded that regardless of the effect of the *Smith* decision, the state had failed to show that there was not a less-restrictive alternative to displaying the slow-moving vehicle symbols. Such a showing is required under the Minnesota Constitution in light of the conclusion that the defendant's reason for disobeying the statute was a sincere religious belief. The charges against the Amish for disobeying the statute were dismissed.

### **CASE STUDY**

#### ***State v. Hershberger*, 462 N.W.2d 393 (Minn. 1990)**

Amish families from Ohio began to arrive in Fillmore County, Minnesota in 1973-74. As a religious community, they adopted a simple lifestyle, traveling by horse and buggy. At first, there were few problems with the Minnesota law requiring an orange and red triangular slow-moving vehicle sign to be displayed on buggies and wagons. Younger Amish, conscious of their position as newcomers and anxious to fit into their new community, tended to use the required sign. Some Amish preferred to display a black triangle outlined in white as a compromise. Others refused to use any sign. They believed the bright colors of the sign and the symbol itself would put their faith in "worldly symbols" rather than in God. Instead, they outlined their buggies with silver reflective tape. If stopped and tagged, Amish drivers usually pled not guilty. Routinely, they were found guilty and then paid the fines.

Concerns were raised by people living in the area. Occasional accidents involving slow-moving vehicles showed the need for such signs to protect public safety. In 1986, Minnesota law was changed to allow the black triangle with a white outline. Many Amish agreed to this compromise. But in 1987, when the law was changed again to require the orange triangle to always be carried in the wagon and used at night or in poor weather, the conflict grew.

Amish who refused to carry the sign began to be ticketed, fined, and sentenced to community service or jail time. Initial fines were \$20 - \$22, and first time jail sentences were seven days. Jail sentences would not have to be served if there were no additional

tags within six months. Soon, repeat offenders began to appear back in court within the six-month period, refused to pay fines, and were required to serve time in jail.

In December 1988, Mr. Hershberger and thirteen others appeared before a judge for violation of the sign law. They asked the court to dismiss the traffic citations explaining their refusal to display the sign was based on their sincere religious beliefs and that the sign law punished them for their beliefs through fines and jail time. They wanted to practice their religion without interference from government as guaranteed in the First Amendment. They believed the law should allow an alternative that would not violate their religion - the use of silver reflective tape.

The judge refused to dismiss the citations, pointing out that the Amish community was divided on whether or not their religion prohibits display of the sign. Because of this, it did not appear to the judge that the religious belief was sincere. The judge also felt that highway safety was a more important consideration. However, the judge did ask the Minnesota Court of Appeals to consider the constitutional questions, which were then forwarded to the Minnesota Supreme Court. The Minnesota Supreme Court found that the law violated the Free Exercise Clause of the U.S. Constitution. As a result, the trial court's decision to refuse to dismiss the charges was set aside and all charges against the Amish were dismissed.

The State appealed to the U.S. Supreme Court. The U.S. Supreme Court agreed to consider the case. At the same time, the court was considering a free exercise of religion case arising out of religious use of peyote. In this case, *Employment Division, Department of Human Resources of Oregon v. Smith* (1990), the Supreme Court significantly changed First Amendment free exercise analysis. The court held that a law of general application, which does not intend to regulate religious belief or conduct, is not invalid because the law incidentally infringes on religious practices.

The U.S. Supreme Court remanded (sent back) the *Hershberger* case to the Minnesota Supreme Court for reconsideration, applying the new standards decided under *Smith*. In addition to the *Smith* decision interpreting the U.S. Supreme Court, the Minnesota Court also had to consider the protections offered by Article 1, Section 16 of the Minnesota Constitution.

## Issue

Does Minnesota law requiring the slow-moving vehicle sign violate the rights of the Amish to free exercise of religion guaranteed in the Minnesota Constitution and the U.S. Constitution?

## Points of Law

Under Article I, Section 16 of the Minnesota Constitution, individuals are provided the following protections.

***Freedom of conscience; no preference to be given to any religious establishment or mode of worship.*** *The enumeration of rights in this constitution shall not deny or impair others retained by and inherent in the people. The right of every man to worship God according to the dictates of his own conscience shall never be infringed; nor shall any man be compelled to attend, erect or support any place of worship, or to maintain any religious or ecclesiastical ministry, against his consent; nor shall any control of or interference with the rights of*

*conscience be permitted, or any preference be given by law to any religious establishment or mode of worship; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace or safety of the state, nor shall any money be drawn from the treasury for the benefit of any religious societies or religious or theological seminaries.*

The First Amendment to the U.S. Constitution reads, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . .” The amendment’s guarantee of freedom of religion contains two parts: (1) the establishment clause, and (2) the free exercise clause.

Under the establishment clause, the state may not treat one religion more favorably than others so as to make it appear that the government is supporting that religion as the state-approved religion. The clause has also been interpreted to forbid government from aiding religion in general over non-religion.

Under the free exercise clause, the state may not restrict the free exercise of religious beliefs either directly or by imposing burdensome conditions on these beliefs.

There is a balance that must be struck between the two clauses. In protecting the free exercise of one religion, it is easy for the government to seem to be favoring (establishing) that religion. For example, if it makes an exception and says that people whose religious beliefs prohibit violence do not have to be soldiers, people with other beliefs might think the government is treating the first religion more favorably.

As with other First Amendment freedoms, the Constitution’s protection of religious beliefs must be balanced against the important needs of society as a whole. That means that the importance of a religious activity to a particular religion must be balanced against the harm to society that the activity can cause. For instance, although public dancing with poisonous snakes may be important to a religious group, the danger that such an activity poses to the public could allow the state to prevent it without running afoul of the free exercise clause.

## The Court's Decision

In comparing the language of the Minnesota Constitution with the language of the First Amendment to the U.S. Constitution which says “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise of ...,” the Court said “This language [the Minnesota Constitution] is of a distinctively stronger character than the federal counterpart.” Accordingly, government actions that may not constitute an outright prohibition on religious practices (thus not violating the First Amendment) could nonetheless infringe on or interfere with those practices, violating the Minnesota Constitution. The state Bill of Rights expressly grants affirmative rights in the area of religious worship while the corresponding federal provision simply attempts to restrain governmental action.”

The Minnesota Supreme Court, in interpreting the protections of the Minnesota Constitution, chose to use the standards that had been used by the U.S. Supreme Court prior to *Smith*: that the state must demonstrate (1) a compelling state interest in the goal of the law and (2) that there is no less restrictive alternative to the action required or prohibited by the law.

“Only the government's interest in peace or safety or against acts of licentiousness will excuse an imposition on religious freedom under the Minnesota Constitution. . . Rather than a blanket denial of a religious exemption whenever public safety is involved, only religious practices found to be inconsistent with public safety are denied an exemption. By juxtaposing individual rights of conscience with the interest of the state in public safety, this provision invites the court to balance competing values in a manner that the compelling state interest test . . . articulates: once a claimant has demonstrated a sincere religious belief intended to be protected by Section 16, the state should be required to demonstrate that public safety cannot be achieved by proposed alternative means.”

The Court ruled that the state failed to demonstrate that the alternative signs did not protect public safety, and therefore the application of the Minnesota law to the Amish defendants violated their freedom of conscience rights protected by the Minnesota Constitution.