

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

Objective: To understand the role of the court in protecting citizens' rights to due process of law and to understand how the court looks to precedents when deciding cases.

[Case Summary](#)

[Case Study](#)

[Activity: What makes a good law?](#)

[Procedure](#)

[Supreme Court Study Guide](#)

[More Sunday Laws](#)

[Resources](#)

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.

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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.

ACTIVITY: WHAT MAKES A GOOD LAW?

This activity helps students think about the court's role in the application of laws. What does the court do when it encounters a law that is not written clearly enough to be understood?

PROCEDURE

1. Ask students to list characteristics of good laws. Their lists will include characteristics such as the following:
 - a. Laws should be worthwhile
 - b. Laws should be fair
 - c. Laws should be consistently applied
 - d. Laws should be understandable
 - e. Laws should be able to be followed
 - f. Laws should be enforceable
2. Using their characteristics of good laws, ask them to analyze some rule or laws. You can begin with some silly rules to help them practice the application of the criteria. Some suggestions include
 - a. No swimming in Minnesota lakes
 - b. Dancing on the water not allowed
 - c. No flimming on the flam
 - d. Boys cannot drive motorcycles
 - e. All persons must be asleep before 12 midnight
3. Ask students to try to think of existing or proposed laws that do not have the characteristics of good laws. For example, the legislature passed a law that required slow drivers to keep to the right. The governor vetoed the law. Applying the characteristics above, discuss whether or not the law was a good law.
4. Focus the students' attention on the characteristic "laws should be understandable." What does this mean? Understandable to whom? Why is this important? What happens if one cannot understand the rule or law? Is a law or rule that is not understandable fair? Why or why not?
5. Read the **CASE STUDY** *State v. Target Stores, Inc.* Have students complete the Supreme Court Case Study Guide to help them understand the case. Under the facts section, ask them to look closely at the words in the law and try to identify items that may or may not be covered by the law. This will help them understand what is vague about the law.
6. Optional Activity: Help students think about how laws change over time. Ask them to research the Sundays closing laws referred to in the case: Minn. Statute Section 168.275 (sales of cars), Minn. Statute Section 221.191 (operation of trucks on Sundays) to find out what has happened to them. The statutes are available on line at www.leg.state.mn.us/leg/statutes.htm.
7. For fun, have students review "More Sunday Laws."

SUPREME COURT CASE STUDY GUIDE

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

1. What is the name of the case?
2. What are the facts of the case?
 - a. What happened?
 - b. Who was involved?
 - c. What did the law say?
 - d. Why did they challenge the law?
 - e. How did the trial court rule?
 - f. Which facts are important? Why?
 - g. What additional facts would you like to have?
3. What is the constitutional or legal issue?
 - a. What part of the Minnesota Constitution or U.S. Constitution is involved?

- b. What question is the court being asked to answer? This is often referred to as the “legal issue.”

- 4. What are the arguments?
 - a. What are the reasons why the Legislature passed a law regarding the sale of items on Sundays?

 - b. What arguments did the owners of Target make?

- 5. What is the Supreme Court’s decision?

- 6. How do you feel about the decision?

- 7. What was the impact of the decision?

- 8. Why do you think some Sunday Closing laws still exist?

Adapted from “Supreme Court Case Study Guide” from Teaching about Court Cases, Minnesota Center for Community Legal Education, 1999, reprinted with permission.

MORE SUNDAY LAWS

(Do not assume that any of these laws are still active or currently enforced.)

1. It was once illegal in Boston, Massachusetts to take a bath on Sunday.
2. In Memphis, Tennessee it's illegal to sell teddy bears or yo-yos on Sunday.
3. It is against the law in Detroit, Michigan for a man to scowl at his wife on Sunday.
4. Sneezing or burping is illegal during a church service in Omaha, Nebraska.
5. It is against the law in Nebraska to quarrel with your wife on Sunday.
6. On Sunday in Cicero, Illinois, it is illegal to be humming on the streets.
7. It is illegal to talk in church in St. Louis, Missouri.
8. In the state of Louisiana it is illegal to whistle in church.
9. In Kulmont, Pennsylvania it is illegal to hold prisoners in jail on Sunday.
10. In Georgia it is a misdemeanor to bathe on Sunday in a stream or pond in the view of a road leading to a church.
11. In Arkansas the law prohibits playing cards on Sunday.
12. It is illegal to play dominoes on Sunday in Alabama.
13. A 1942 Mississippi law outlaws on Sunday, "any games, tricks, ball-playing or any kind, juggling, sleight of hand, or feats of dexterity, agility of body, or any bear-baiting or any bull fighting, horse racing, or cock fighting, or any such like show or exhibit whatsoever." Violators were fined \$50 (in 1942 money).
14. A Missouri law reads, "Every person who shall be convicted of horse racing, cock fighting, or playing at cards or games of any kind, on the first day of the week, commonly called Sunday, shall be deemed guilty of a misdemeanor, and fined not exceeding \$50.00."
15. In Ohio circuses and theatres may not perform on Sunday.
16. Also in Ohio it is illegal for anyone over 14 to be engaged in, "sporting, rioting, quarreling, hunting, fishing, or shooting on Sunday."
17. In England a person may not recite Shakespeare on Sunday, but if he uses gestures, it's OK; nor can he wear a kilt on the stage unless it is part of his weekday dress.
18. In London, England it is illegal to kiss a girl on Sunday.

19. In Manchester, England city council members must attend church every Sunday.
20. A Seventeenth Century British law forbid anyone to work on Sunday.
21. In Somerset, England you must not wear the same cloths on Sunday as you wear on weekdays.
22. In Yorkshire, England you must have Yorkshire pudding with roast beef on Sundays and holidays.
23. A person in British Columbia can be set publicly in stocks for three hours for attending a symphony concert, running a three-legged race for money, or hiring a bicycle on Sunday.
24. In the Philippines a law prohibits eating rice on Sunday.
25. No one may take heated baths on Sunday in Teruel, Spain.

Sources:

Hyman, Dick. The Columbus Chicken Statute and More Bonehead Legislation.
Lexington, Massachusetts: The Stephen Greene Press, 1985.

Hyman, Dick. More Crazy Laws. New York: Scholastic Inc., 1992.

Bereson, Ray. Great American Blue Laws (poster). Berkeley, CA: Celestial Arts, 1976.

RESOURCES

Sunday Laws:

Hyman, Dick. The Columbus Chicken Statute and More Bonehead Legislation.
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Minnesota Legislature www.leg.state.mn.us

Teaching about Court Cases, Minnesota Center for Community Legal Education,
www.ccle.fourh.umn.edu/lessons.html