

# Eight Significant Cases in the United States District Court for the District of Minnesota

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Over the years, the United States District Court for the District of Minnesota has handled many noteworthy cases. A sample of eight important cases which were heard in the District of Minnesota is summarized below. These cases demonstrate how the District Court defines, protects, and upholds key Constitutional rights of the people.

## BOOKER v. SPECIAL SCHOOL DISTRICT NO. 1

In *Booker v. Special School District No. 1*<sup>1</sup> the District Court considered the issue of whether the Minneapolis School District denied equal educational opportunity to its students by maintaining separate schools for black and white children.

Jeannette Booker sued the Minneapolis School District on behalf of all the school children of the district. She alleged that actions taken by the School District were designed to keep black and white children apart, and that this segregation harmed all school children, both minority and white. The action asserted that the discrimination suffered by the school children deprived them of their liberty without due process of law.

The School District responded to Booker's accusations by arguing that the segregation was caused by factors outside of its control. The School District admitted that there was segregation by race in the schools of Minneapolis, but it claimed that it did not cause or promote the segregation.

The District Court heard extensive evidence from both sides and found that the School District had intentionally segregated the schools of Minneapolis. Further, it found that the School District intended the segregation of not only students, but also of teachers and administrators. The Court stated that several policies promoted segregation in the schools. One such policy was building facilities in strategic sizes and locations. For instance, in 1967, the District build an addition to accommodate 600 students at Washburn High School, a predominantly white school with less than 3 percent minorities. This addition was constructed in spite of the fact that neighboring Central High, a predominantly black school, was underenrolled by about 600 students. The intended effect was to keep white students in "white" schools rather than to send them to "black" schools.

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1. 351 F.Supp. 799 (D.Minn.1972).

To remedy the constitutional violations, the District Court ordered the Board of Education and the School District, its administrators, employers, and agents, to refrain from discriminating on the basis of race or national origin. To reduce the degree of segregation, the Court ordered the enactment, with modifications, of a plan developed by the School Board. The plan helped integrate administrators, teachers and students. For example, the Court ordered that no more than 35 percent of the student body of any school could consist of minority children and that no facilities could be built without the approval of the Court. To assure that the plan was followed, the Court ordered the School District to make semi-annual reports about the progress in integrating the schools. Enough progress was made so that the Court's jurisdiction over the school system was terminated in 1983.

### BRENDEN v. INDEPENDENT SCHOOL DISTRICT

In *Brenden v. Independent School District*,<sup>2</sup> the District Court addressed whether females could be barred from participating with males in high school interscholastic athletics. The Court concluded they could not be barred from competition.

The women plaintiffs desired to compete interscholastically at their high schools. Peggy Brenden, who attended St. Cloud Technical High School, was an excellent tennis player. Tony St. Pierre, of Hopkins Eisenhower High School, was an exceptional cross-country runner and cross-country skier. The schools did not have interscholastic teams for women in their sports, however. Brenden and St. Pierre therefore desired to participate on their high school men's teams.

School authorities informed them that they could not be on the men's teams because a Minnesota State High School League rule prevented participation by women on men's interscholastic athletic teams. Brenden and St. Pierre then brought suit against their school districts and the Minnesota State High School League. They contended that the league rule violated their rights, guaranteed under the equal protection clause of the Fourteenth Amendment to the United States Constitution.

The District Court concluded that plaintiffs' equal protection rights had been violated. The school districts and the league were not able to show that an admission distinction based on sex was "rationally related" to the rule's objective of assuring that persons with similar qualifications compete among themselves. The Court determined that any physiological differences between men and women did not prevent Brenden and St. Pierre from competing equally with men. Each had reached a high level of competitive achievement in her sport. Therefore, neither could be denied admission to the men's teams because of her sex.<sup>3</sup>

2. 342 F.Supp. 1224 (D.Minn.1972); *aff'd*, 477 F.2d 1292 (8th Cir.1973).

3. The District Court's decision was challenged on appeal to the Eighth Circuit Court of Appeals. The Eighth Circuit upheld the District Court. See note 2.

## DOES v. BOYD

In July of 1985, the District Court decided in *Does v. Boyd*<sup>4</sup> the constitutionality of the Dakota County Sheriff's practice of strip searching all persons detained at the Dakota County Jail. The searches applied to persons charged with having committed misdemeanors, as well as felonies. After booking, the person was subjected to a complete strip search which required removal of the detainee's clothes. After the detainee had disrobed, a deputy visually observed the detainee's genitals and anus, and looked inside the ears and mouth.

The strip search policy was challenged by persons who had been charged with misdemeanors and then searched. They asked the Court to rule that the strip search policy invaded their privacy and violated the Fourth Amendment's ban on unreasonable searches and seizures. The defendants argued that the strip search improved security and was necessary to detect contraband. These two policies, argued defendants, outweighed any privacy interests that arrested persons might have.

The Court acknowledged that jail administrators should be able to adopt practices needed to preserve internal order and institutional security, but it recognized that full strip searches represented serious intrusions of privacy. The Court found that the strip searches were a "dehumanizing, indecent, distasteful and outrageous practice." The Court stated that this practice would only be permissible under the most compelling circumstances. It found that strip searches did not advance either one of the defendants' concerns. Since the County had never found contraband of any type in the body cavity of a new detainee, the searches could not be said to have prevented drugs from entering the jail. Furthermore, a strip search policy could hardly be expected to deter smuggling since arrestees at the Dakota County Jail do not plan their confinement in advance. The Court held the strip searches unconstitutional as applied to detainees charged with misdemeanors and lesser offenses. The Court prohibited defendants from conducting strip searches of such detainees unless there was some objective, reasonable suspicion that the individual had contraband.

## HODGSON v. STATE OF MINNESOTA

Abortion has been a highly-charged issue in the legislatures and courts. The leading Supreme Court case is *Roe v. Wade* decided in 1973.<sup>5</sup> The controversy came to the Federal District Court in Minnesota in *Hodgson v. State of Minnesota*.<sup>6</sup> After a five week trial exploring the impact of a Minnesota statute requiring a pregnant minor to notify

4. 613 F.Supp. 1514 (D.Minn.1985).

5. 410 U.S. 113, 93 S.Ct. 705 (1973).

6. 648 F.Supp. 756 (D.Minn.1986), *aff'd*, 827 F.2d 1191 (8th Cir.), *reh'g granted, opinion vacated*, 835 F.2d 1545 (8th Cir.1987), *rev'd*, 853 F.2d 1452 (8th Cir.1988) (*en banc*), *petition for cert. filed Feb. 3, 1989*.

both parents before having an abortion, the Court held that the statute unconstitutionally infringed upon a minor's right to an abortion under *Roe v. Wade*.

Minnesota's notification statute<sup>7</sup> required a physician to notify both parents of an "unemancipated" minor under the age of 18 at least 48 hours before performing an abortion. The statute also contained a "judicial bypass" provision. This provision stated that if the parental notification part of the statute were ever struck down by a court, an unemancipated minor could obtain a court order permitting an abortion without notice to her parents if she showed that she was mature and capable of giving informed consent to an abortion. Or, if she were not mature, she could try to show that an abortion without notice to her parents would be in her best interests.

Before the statute took effect on August 1, 1981, a group of physicians and pregnant unemancipated minors challenged it. On July 31, 1981, the court temporarily restrained enforcement of the parental notification part of the statute, but allowed the judicial bypass provision to stand. The case was later tried to decide whether the entire statute unconstitutionally burdened the abortion rights of unemancipated minors.

After extensive trial testimony, the district court found that the statute was unconstitutional because the two-parent notice requirement did not serve Minnesota's interest in protecting pregnant minors or in promoting family communication. The court cited evidence that only half of the minors in Minnesota live with both biological parents and that compelling an adolescent to share information about her abortion decision with both parents could actually be harmful. The court further found that the 48-hour waiting period requirement was unconstitutional. Due to factors like the inaccessibility of abortion providers in some parts of the state and harsh weather conditions, the 48-hour requirement sometimes caused delay of a week or more and unreasonably increased the medical risks.

The case was appealed to the Eighth Circuit Court of Appeals. A panel of that court affirmed the district court's decision, but a motion for rehearing by the whole court was granted, and the Court of Appeals then reversed the decision by a 7-3 vote.

The majority of the Court of Appeals held that the two-parent notice requirement does not unconstitutionally burden a minor's abortion right because of the statute's judicial bypass procedure which allows a minor to seek court approval to avoid the notice requirement. The majority ruled that the Minnesota statutory plan is constitutional and furthers significant state interests in fostering parent-child consultation, protecting and preserving the family, and furthering communications among parents and physicians about a child's health.

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7. Minn.Stat. § 144.343.

At the time this publication went to press, it was uncertain whether the case will be heard by the United States Supreme Court. There is little doubt, however, that difficult abortion issues will continue to be heard in the federal courts in the coming years.

## MAGRAW v. DONOVAN

In 1958 in *Magraw v. Donovan*,<sup>8</sup> the District Court considered whether federal courts could properly hear and decide cases seeking to redraw state legislative boundaries. In this case, four residents of densely populated urban areas asked that the 1913 Minnesota Legislative Redistricting Act be declared invalid. They argued that the Minnesota Constitution<sup>9</sup> called for the number of Minnesota legislators to be appointed throughout the different areas of the State "in proportion to the population thereof." These residents contended that Minnesota's population had changed drastically since 1913 and that their legislative representation had been unconstitutionally diluted. They claimed that their rights under the equal protection clause of the Fourteenth Amendment were violated by the Minnesota State Legislature's refusal to comply with Minnesota's constitutional provision of apportioning representation by population.

The defendants were election officials in rural, less populous counties. They argued that the Court did not have the power to hear the case.

The District Court found that it did have jurisdiction to hear the matter as the "whole thrust of today's legal climate is to end unconstitutional discrimination."<sup>10</sup> It appointed a special three-judge court made up of an Eighth Circuit Court of Appeals judge and two federal district court judges. This panel concluded that inequities existed among legislative districts. For example, a voter in some districts would be equal to 14.7 voters in another.

The Court gave the state Legislature another chance to reapportion itself before imposing a judicial remedy. The Court did invite the parties to return after the legislative session if the Legislature did not act, however. In fact, the Legislature did reapportion itself at its sixty-first session, and further judicial action in Minnesota was avoided. In time, the Fourteenth Amendment theory developed by the District Court was accepted by the United States Supreme Court in *Baker v. Carr*.<sup>11</sup> Since that time, federal district courts have ruled on many legislative issues.

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8. 159 F.Supp. 901 (D.Minn.1958).

9. Article IV, Section 2.

10. The Court quoted *Dyer v. Abe*, 138 F.Supp. 220, 236 (D.Hawaii 1956).

11. 369 U.S. 186, 82 S.Ct. 691 (1962).

## MUELLER v. ALLEN

In *Mueller v. Allen*,<sup>12</sup> the District Court considered whether a Minnesota tax deduction statute impermissibly advanced or burdened religious activity. The law in question permitted taxpayers to claim income tax deductions for their children's tuition, textbook, and transportation costs.<sup>13</sup>

Several taxpayers challenged the law, claiming that it violated the First Amendment's "Establishment Clause" by aiding religious schools and parents with children in parochial schools.<sup>14</sup> They asserted that the vast majority of students who pay tuition for elementary or secondary schools attend church schools. The taxpayers also argued that the law violated the First Amendment by restricting people's freedom to practice religion. They argued that the law had this effect because it increased the tax burdens on those who do not have children in parochial schools. The defendants, Minnesota's Commissioner of Revenue and certain taxpayers, contended that the law was neutral and did not advance or burden anyone's religious beliefs.

The District Court evaluated the challenged statute, using a 3-part test developed by the Supreme Court to determine whether the State has impermissibly benefited religious activity. First, the Court found that the law had a "secular legislative purpose" in providing dependents with a "safe, effective, and varied educational environment." Second, the Court determined that the primary effect of the tax deduction statute was not to aid one religious group over another. It found that the tax relief was widely distributed to all parents with children attending elementary and secondary schools. Finally, the Court found that the State's enforcement of the statute would not cause the government to be excessively involved or entangled in religious affairs. It noted that parents can deduct a school's expenses if that school meets purely secular or non-religious requirements, like non-profit status and enforcement of attendance laws. The State need not inquire into the genuineness of the school's religious functions to enforce the law.

The Court also found that the tax deduction statute did not burden people's freedom to practice the religion of their choice. The Court thus held that the statute was Constitutional under the First Amendment as it did not advance or burden religion. This case is one of many in the federal courts which must consider the appropriate boundary

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12. 514 F.Supp. 998 (D.Minn.1981); *aff'd*, 676 F.2d 1195 (8th Cir.1982); *aff'd* 463 U.S. 388 (1983).

13. Minn.Stat. § 290.09(22) (1978).

14. The "Establishment Clause" of the First Amendment is that part of the Amendment which states: "Congress shall make no law respecting an establishment of religion. . . ."

areas or separation between church and state under the First Amendment.<sup>15</sup>

## UNITED STATES JAYCEES v. McCLURE

In *United States Jaycees v. McClure*,<sup>16</sup> the District Court considered whether the state civil rights law prohibiting discrimination against women could constitutionally be applied to the United States Jaycees ("the Jaycees"). The Jaycees argued that application of the statute to require it to accept women as full members violated its constitutional right of free association.

The Jaycees had a membership policy which admitted women only as "associate members" who could work on projects but were not eligible to vote or run for office or to receive achievement awards. The Minneapolis and St. Paul chapters disagreed with the Jaycees' policy and gave women the same privileges as men. As a result, the Jaycees subjected the Minneapolis chapter to sanctions and threatened to revoke the charters of both chapters. The two chapters then filed a charge of discrimination with the Minnesota Department of Human Rights. After administrative proceedings, the Department enjoined the Jaycees from revoking the charters and from discriminating against any members on the basis of sex. The Jaycees then brought an action in the District Court claiming violation of its right of freedom of association and that the state statute was unconstitutionally vague and overbroad.

The District Court concluded that the Department did not violate the Jaycees' right to freedom of association. It pointed out that the state may interfere with the right of association if the state shows a sufficiently compelling interest and avoids unnecessary abridgement of that right. The Court found that the state's interest in eliminating invidious sexual discrimination was sufficiently compelling to overcome the Jaycees' right to associate only with men. There was no reason to believe that the Jaycees' associational purpose, to advance the interests of young men, would be destroyed if women became individual as opposed to associate members. In addition, the Court held that the Minnesota Human Rights Act was neither unconstitutionally vague nor overbroad. The result of the Court's decision was to prevent the Jaycees from discriminating against women in its membership policy.<sup>17</sup>

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15. The District Court's decision was upheld on appeal by the Eighth Circuit Court of Appeals and by the United States Supreme Court. See note 12.

16. 534 F.Supp. 766 (D.Minn.1982); *rev'd*, 709 F.2d 1560 (8th Cir.1983); *rev'd sub nom*, *Roberts v. United States Jaycees*, 464 U.S. 1037, 104 S.Ct. 3244 (1984). See also *United States Jaycees v. McClure*, 305 N.W.2d 764 (Minn.1981).

17. The decision of the District Court was appealed to the Eighth Circuit Court of Appeals. A panel of the Eighth Circuit reversed the District Court's decision, 2-1. The Supreme Court later reversed the panel's decision and reinstated the decision of the District Court. See note 16.

## WELSCH v. LIKINS

*Welsch v. Likins*<sup>18</sup> required the District Court to determine the type of care owed to a person held in a state institution against his or her will. The Court concluded that a person held in a state institution due to mental illness should be given adequate treatment designed to provide a realistic opportunity to cure or improve that person's mental condition.

Patricia Welsch, on behalf of all people committed to state institutions<sup>19</sup> against their will, brought suit against the Minnesota Commissioner of Public Welfare. She wanted to force the State to provide adequate treatment to patients of mental hospitals and to explore all alternatives to abusive practices. These practices included seclusion in "isolation" rooms; severe physical restraint; and excessive use of tranquilizing medication. She argued that the existing practices violated her constitutional right to due process of law.

The State of Minnesota responded to the allegations by asserting that it could constitutionally institutionalize certain people for their own protection or for the general public safety. The State argued that neither the Constitution nor state law required any specific treatment.

The District Court noted that institutionalized individuals had not been convicted of any crime; instead, they were merely passive victims of an uncontrollable "status." The Court ruled that if the State institutionalized people, it had to provide "adequate treatment" which gives the person "a realistic opportunity to be cured or to improve his or her mental condition." The Court found that the right to due process includes the right to a safe and humane living environment with protection from assaults from other residents, reasonable access to exercise and outdoor activities, and basic hygienic conditions. The State was required to explore other methods of treatment for mentally ill people before resorting to the drastic remedy of confinement. These alternatives included making good faith efforts to place people in settings where they could receive treatment but would have more freedom, such as placement with a friend or in a private facility.

18. 373 F.Supp. 487 (D.Minn.1974).

19. When the case was decided, these institutions for the mentally retarded were located at Brainerd, Cambridge, Faribault, Fergus Falls, Hastings, and Moose Lake.