

Constitutional Law

Case 3:
To Cruise
or Not to
Cruise!

State v. Stallman

The Constitutional “Right to Travel”

OBJECTIVE

To understand the constitutional right to liberty with respect to the right to travel about the United States.

TOPICS COVERED

- Ordinance
- Misdemeanor
- Intrastate Travel
- Unconstitutional
- Police Power and Constitutional Standards/Test

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State v. Stallman

The Constitutional “Right to Travel”

BACKGROUND

- The City of Anoka, Minnesota passed an ordinance which restricted driving in certain designated areas of the city called “no cruising zones.” This “anti-cruising” ordinance was targeted at teenagers who would cruise up and down certain roads causing traffic congestion and public disturbances, such as fighting, underage drinking, vandalism, and other more serious criminal offenses.
- Jason Edward Stallman drove his car in a “no cruising zone” when he was stopped and charged with the misdemeanor crime of violating the “anti-cruising” ordinance. He challenged the charge as an unconstitutional infringement on his liberty and right to intrastate travel.
- Anoka Police alleged that the ordinance was a necessary tool of their police power to keep order in the city.

BEFORE YOU BEGIN

What is an ordinance?

An ordinance is a law enacted by a city or a town by its governing body—usually a mayor, a city council, or a town council.

What is a misdemeanor?

A misdemeanor is a minor criminal offense usually punishable by less than a \$500 fine and/or less than one year in jail.

What is intrastate travel?

Intrastate travel is traveling within the borders of a city or state. Although the United States Supreme Court has not addressed the issue of whether the constitutional right to interstate travel (traveling to different states) includes the right to intrastate travel, both lower federal courts and state courts have found a fundamental right to intrastate travel.

What does unconstitutional mean?

An unconstitutional law is a law or an action pursuant to that law that conflicts with the United States Constitution—the supreme law of the United States of America. No state law shall conflict with the Constitution. In this case, the Defendant challenges the “anti-cruising” ordinance as an unconstitutional infringement on the right to travel within the borders of a state.

What is Police Power and Constitutional Standards/Test?

While a government has authority to pass laws to keep its citizens safe from harm, these laws need to meet constitutional requirements. Here, an “anti-cruising” ordinance must be narrowly tailored to meet significant city objectives of protecting the general public.

ISSUE BEFORE THE COURT

Does Anoka's "anti-cruising" ordinance violate a fundamental right to intrastate travel? Is Anoka's "anti-cruising" ordinance unconstitutional?

THE FACTS

"Cruising" has been a part of our culture for decades and was made famous by the 1973 movie "American Graffiti." For years, teenagers have been driving cars after school and on weekends cruising on city streets and meeting at various destinations.

On May 6, at approximately 9 pm, an officer of the Anoka Police Department selected a traffic control point within the city's "no cruising zone" and began monitoring. About 30 minutes later, the officer observed a red Mercury operated by Jason Edward Stallman drive past the traffic control point.

The officer observed Stallman's vehicle travel past him four times within approximately ten minutes. The police officer stopped the vehicle and Stallman was issued a misdemeanor citation for "cruising" in violation of Anoka's "anti-cruising" ordinance. The Anoka City Council passed the ordinance as a response to the increase in fighting, underage drinking, vandalism, traffic violations, drug trafficking, and traffic congestion around its main streets.

The police department argued that the traffic congestion created a safety hazard. Emergency vehicles had had difficulty getting through the congestion, and had to use alternate, less direct routes to respond to emergency calls, delaying their response time.

The Anoka Chief of Police stated that on a typical Saturday night between 400 and 500 teenagers milled about provoking petty crimes, such as fights, traffic violations, underage drinking, and vandalism, which escalated to more serious crimes, such as physical/sexual assaults and drug trafficking.

The ordinance stated:

- 1) "Cruising" means the operation of a motor vehicle, other than commercial, emergency, or buses, driving past a "traffic control point" three or more times, between the hours of 9 pm

The right to travel asserts that a citizen of a state has the liberty to travel, reside in, and/or work in any part of the state where one pleases (with respect for the rights of others).

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and 2 am in a “No Cruising Zone.”

- 2) “Traffic Control Point” means any point or points within a “No Cruising Zone” where cruising is monitored by police.
- 3) “Cruising is prohibited and no person shall operate a motor vehicle in such a manner so as to constitute cruising. A violation of this section shall constitute a petty misdemeanor.”

The city council established “no cruising zones” at Main Street and one block on each side of Main Street, from a park at one end to the Anoka city limits.

Large signs leading into Anoka read, “Cruising and Loitering Ordinances Are Enforced.” On Main Street, signs read “No Cruising 9 pm to 2 am.” The signs did not indicate the boundaries of the zone. The signs did not indicate that a traffic control point was at any intersection or at any other point where the police selected to set up temporary monitoring. The Anoka Police Department had the discretion to choose a traffic control point at any location during the pertinent time frame. The officer could arbitrarily choose to be at the point for minutes or hours. Although ensuring the safe passage of emergency vehicles was one of the reasons for the ordinance, nothing in the ordinance expressly or impliedly directed those areas to be traffic control points.

Stallman argued that the “anti-cruising” ordinance was unconstitutional because it impermissibly restricted intrastate travel. The city argued that the ordinance was a necessary tool of its police powers to control traffic and crime in Anoka.

To remain in or hang around an area for no obvious purpose is known as loitering.

Anti-cruising ordinances were designed to alleviate traffic in specific areas. They prohibited cars from cruising between certain checkpoints more than two times within a given time frame.

Sources

The case briefing above contains excerpts and direct extractions from the sources noted below that have been combined with the author’s own expert legal input. The case has been condensed and formatted from its original content for purposes of this workbook.

State v. Stallman, 519 N.W.2d 903 (Minn. App. 1994).

Court of Appeals of Minnesota

July 26, 1994. Opinion written by the Honorable Justice R.A. Randall.

NAME _____

DATE _____

Review the Case

After reading State v. Stallman, answer the following:

1. Identify the Plaintiff(s) in the case.

2. Identify the Defendant(s) in the case.

3. How many times did Stallman drive past the police officer and in what span of time?

4. How does the city ordinance define "cruising"?

5. How does the city ordinance define a "traffic control point"?

6. How does a police officer choose a "traffic control point"?

7. State the reasons the city council established an "anti-cruising" ordinance around its main streets?

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Review the Case (continued)

8. What type of notices did drivers receive regarding the “no cruising” law in Anoka?

9. Did the notices explain “cruising” to the driver entering a “no cruise” zone?

10. Did the notice explain to drivers the consequences of traveling past a traffic control point within the five-hour period?

11. What is “intrastate travel”?

12. Did the ordinance allow a suspected driver to offer a lawful explanation for why he/she drove past the traffic control points three or more times within the five-hour period?

13. Why did Stallman believe the “anti-cruising” ordinance was unconstitutional?

NAME _____

DATE _____

Make the Argument

In order for the judge or jury to render a decision, the following are some of the questions that must be considered:

1. Did the ordinance sufficiently define "cruising"?

2. Were the "traffic control point" signs adequate to give drivers notice of exactly where the zones were located?

3. Did the signs give adequate notice to drivers of the consequences of passing a police vehicle three times at a traffic control point within the five-hour period?

4. Was the "anti-cruising" ordinance narrowly tailored to meet significant city objectives? In other words, was the City of Anoka's objective in reducing traffic congestion, eliminating safety hazards, ensuring clear passage for emergency vehicles, and reducing the criminal activity resolved by this ordinance at the expense of infringing on legitimate rights to travel in the affected areas?

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