

In federal court, harsh light cast on Red Lake crack trade – and tribal police

By MIKE MOSEDALE

On June 16, seven members of the Red Lake Band of Chippewa Indians appeared before U.S. District Court Judge James Rosenbaum in Minneapolis, where they had come to plead guilty in connection with the biggest cocaine bust in the history of the isolated and crime-plagued northern Minnesota reservation.

After the defendants formally confessed to their roles in the drug ring, it seemed the long-running case, which ensnared a total of 33 Red Lakers and one Mexican national, would come to an end without a single trial or, for that matter, any consequential disclosure of the evidence.

All that changed when Judge Rosenbaum refused to accept a plea bargain from one defendant, Ramon Charles Sayers. Under questioning from the judge, Sayers, a 33-year old ninth-grade dropout and convenience-store clerk known on the reservation as “Razor,” admitted he arranged cocaine deals over the phone, which was the basis of a reduced charge to which he attempted to plead guilty.

But when Rosenbaum asked Sayers to identify his supplier, the defendant balked. At that, the judge rejected the plea deal and ordered Sayers to stand trial. On Thursday morning, after three days of testimony, a 12-member jury convicted Sayers on two drug-conspiracy counts, the most serious of which carries a minimum 10-year prison sentence and a maximum of life.

Vivid portrait of drug trade

While Sayers never took the stand, secretly recorded telephone conversations and testimony from his fellow defendants created a vivid portrait of the burgeoning crack trade at Red Lake, a trade in which dealers operated with near impunity and, sometimes, with the assistance of tribal police.

Among those swept up in the investigation were two former



MinnPost illustration/photo by MIKE MOSEDALE

tribal police officers, Herbert May and Robert Jeffrey Van Wert. Earlier this month, May and Van Wert pleaded guilty to using a telephone to facilitate a drug deal, a felony charge that carries a maximum of four years in prison. Both officers admitted under oath that they tipped drug dealer Gary Lee Strong to the existence of investigations. Van Wert also testified that Strong paid him \$300 in cash for alerting him to a pending warrant.

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African Union asked to take action on Zimbabwe election

By Sharon Schmickle

Zimbabwe's President Robert Mugabe officially closed his country's violence-wracked election process on Sunday with an inauguration ceremony much of the world denounced as illegitimate.

But is it truly over? Has Mugabe effectively deployed violence and coercion to pull off his election to a sixth term even though the process was widely seen as a sham?

Answers may come this week in Egypt, where Mugabe is attending an African Union summit. His challengers and Western leaders are asking the Union to reject the election results.

Meanwhile, in Minnesota and around the world, outrage and worry sounded from government offices to church pews over the weekend.

"The international community has condemned the Mugabe regime's ruthless campaign of politically motivated violence and intimidation with a strong and unified voice," President Bush said Saturday.

New sanctions to be developed

Bush said he has instructed the secretaries of State and Treasury to develop sanctions "against this illegitimate government of Zimbabwe and those who support it." Further, he pledged to "press for strong action by the United Nations, including an arms embargo on Zimbabwe and travel ban on regime officials."

In their own way, church groups and other organizations worried about the aftermath of an election that was scarred by violence and intimidation.

Minnesota's United Methodists were among many groups whose leaders called over the weekend for them to pray for the people of Zimbabwe and take action where they could to help the country that is an economic wreck as well as a boiling political cauldron.

Among other worries, Bishop Sally Dyck said in the call posted on the United Methodist website,

"Many fear for the safety of those at Africa University, a United Methodist school in Zimbabwe."

At the Minneapolis offices of the Advocates for Human Rights, the worry was for lawyers who have risked their lives defending rights in Zimbabwe. In response to urgent appeals from Africa, Advocates Executive Director Robin Phillips sent a letter Thursday to Zimbabwean officials, requesting "the immediate cessation of violence directed at human rights defenders and lawyers carrying out their professional duties." Phillips named five lawyers and magistrates who had been assaulted, arrested, abducted or threatened.

But Mugabe has given every indication that he is impervious to prayers, condemnations and letters.

Regime's pre-election savagery

It surprised no one that Mugabe, 84, won on Friday. His regime had driven the opposition into hiding with savagery that was captured in news photos: battered and bloody faces, a toddler whose legs were shattered to punish his parents for campaigning against the president, and throngs of opposition supporters begging for safe haven at foreign embassies.

In a bid to stop the violence, opposition leader Morgan Tsvangirai had dropped out of the race and taken refuge in the Dutch embassy.

At this point, it isn't clear whether any outside pressure could move Mugabe, a cunning survivor who has ruled the country for 28 years.

The United States is likely to fail in its campaign at the United Nations for an international arms embargo against Zimbabwe and a ban on travel by its officials, the New York Times reported. The campaign faces opposition from South Africa, Russia and China. South Africa, Zimbabwe's neighbor, insists that the election is an internal affair.

But the United States could move unilaterally to carry out the

sanctions Bush announced. And they represent "a significant toughening of current policy toward Zimbabwe," the Times said.

Current U.S. sanctions apply to about 140 members of Zimbabwe's governing elite and the businesses they control. The new sanctions would expand that list. They also would restrict the Zimbabwean government's ability to do business with American companies and potentially allow the United States to freeze Zimbabwean assets in American banks.

"This certainly steps up pretty dramatically the scale of punitive action," J. Stephen Morrison, director of the Africa program at the Center for Strategic and International Studies in Washington, told the Times.

"It's long overdue, but having Bush get out there and say some hard things is very important," Morrison said.

The White House said the United States would continue to provide food aid to needy Zimbabweans and drug treatment for people with AIDS. That assistance is delivered mostly through private relief groups and United Nations agencies, not the government.

It will take at least weeks for the Bush administration to develop the new sanctions.

Mugabe's invitation

Meanwhile, Mugabe signaled his strategy for calming world opinion by making overtures to the opposition.

Tsvangirai, the opposition leader, rejected Mugabe's invitation for him to attend the inauguration on Sunday, Reuters reported. Tsvangirai had enough followers to defeat Mugabe and his ZANU-PF party in a March election, but the official count left him short of outright victory, forcing Friday's runoff.

Mugabe spokesman George Charamba told Reuters the invitation was extended "in the spirit of the president's wish to reach out. ... It is a major step towards political engagement."

But Tsvangirai said: "I can't give support to an exercise I'm totally

opposed to ... the whole world has condemned it, the Zimbabwean people will not give this exercise legitimacy and support."

An appeal to the African Union

Instead, he said, the opposition intends to ask the African Union nations to reject the election results and to coordinate negotiations for a resolution of the crisis.

The Union has some powerful reasons to consider the requests. Zimbabwe's political turmoil and ongoing economic crisis threaten stability in southern Africa.

Further pressure is coming from Human Rights Watch and other non-government organizations as well as from Western powers. Human Rights Watch, which has offices in South Africa, called Sunday for the Union to uphold its own charter by declaring Zimbabwe's runoff election as "an illegal means of maintaining power." It urged the Union to suspend Zimbabwe from its ranks and to press for the deployment of peacekeepers to stop the violence.

Mugabe flew into Egypt overnight, Reuters reported.

"As Mugabe arrived, the African Union's own monitors said Friday's election did not meet their standards," Reuters said. "They were the third African observer group to condemn the poll."

Regional power South Africa, a key player in the Zimbabwe crisis, called for Mugabe's ZANU-PF and the opposition party, MDC, to enter talks on a transitional government.

"The statement was the first time South Africa has publicly called for a unity government and could indicate the line that the African Union will take," Reuters said.

Sharon Schmickle writes about foreign affairs and science. She can be reached at sschmickle@minnpost.com.

This ballot brings greenbacks for green groups



MARK NEUZIL

In an interesting mix of promotion, raising ecological awareness and giving away cash, the outdoor clothing manufacturer and retailer Patagonia is asking customers to vote on which environmental group gets one of its next grants.

At stake is \$4,000, which is walking-around money for big nonprofits but significant for smaller groups like the five finalists at Patagonia's St. Paul store. Each group gets a week's worth of time to run an information table at the Grand Avenue shop and convince patrons they are worthy grant-getters.

"The idea was to localize where the grant was going," said store manager Ellen Grady. "My staff had a big powwow and selected the five groups."

All but one of the 26 Patagonia retail outlets around the country are sponsoring their own programs (a Colorado store previously did it as part of its grand opening). You have to come to the store to vote, and the store manager hopes you spend a few greenbacks along with your green ballot.

"We give out a lot of grants anyway," Grady said. "This is a chance to engage our customers in how we spend our money."

The five groups are Great

River Greening, Alliance for Sustainability, Midtown Greenway Coalition, Transit for Livable Communities, and Community Design Center of Minnesota. Voting runs through July 19 with the results announced at a reception on Aug. 6.

Grady said grants from the St. Paul store typically run from \$1,500 to \$2,000, often for specific projects. Among previous recipients have been Friends of the Mississippi River, Trout Unlimited and Friends of the Boundary Waters.

Patagonia is not a Johnny-come-lately to environmental practices. Founded in 1972 and owned by legendary climber Yvon Chouinard, the com-

pany gives 1 percent of annual sales to environmental groups around the world; \$31 million in grants have been paid since 1985. The company uses only organically grown cotton in its own brand and has been selling recycled soda bottle-fleece since 1993. Qualified employees can take up to two months off to work for a nonprofit.

"We've been there forever," Grady said. "We are not some green-wash company. If it's legitimate green and about protecting the environment, bring it on."

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Want to add your voice?

If you're interested in joining the discussion by writing a Community Voices article, email Susan Albright at salbright@minnpost.com.

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Joel Kramer, CEO and editor

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The officers' pleas confirmed long-running suspicions at Red Lake that tribal police have, at least on occasion, protected drug dealers on the reservation. In a 2006 article in *The New York Times*, one former investigator for the Red Lake police complained that dispatchers "would narc out" police when they were planning raids.

Another former investigator told the *Times* that tribal officials, including Floyd "Buck" Jourdain, the tribal chairman, pressured police to drop drug investigations that involved relatives and friends. (Jourdain, who has denied the allegation, did not return calls for this story).

But it isn't just the Red Lake police department whose reputation was sullied by the recent court proceedings. Others defendants in the case come from some of Red Lake's most prominent families. Two adult children of the tribal treasurer have already pleaded guilty, as did sons of a former Red Lake court administrator and the band's cultural director.

Star witness was investigation target

As it happened, the government's star witness in the Sayers case was also the chief target of its investigation: Gary Strong, also known as "Baby Gar." According to his own testimony, Strong started dealing at Red Lake shortly after his discharge from the United States Air Force in 2004. Strong said another defendant, Austin "Rooster" Head, introduced him to the fundamentals of the business. After several months, Strong struck out on his own.

Unlike other defendants who described themselves as either addicts or heavy users, Strong testified that he became involved strictly for the money. He said he sold mostly crack, rather than powder cocaine, "because it sells faster."

By 2006, Strong had emerged as a major source on the reser-

vation, investing an average of about \$22,000 per week to supply a flourishing operation he ran out of the home of his mother, Mavis Strong. He had little trouble recruiting friends and relatives to help out. "My friends seen what I had," Strong said. Asked to elaborate, Strong responded with a single word: Money.

On August 10, 2006, Dana Alphonse Oliver, who acted as a courier for Strong, was arrested after driving to Minneapolis to pick up a kilogram of cocaine (roughly 2.2 pounds) from an illegal immigrant named Augustin Martinez-Miranda. In an indication of how brazenly Strong conducted his business, just one week later Strong was arrested after purchasing a second kilo from Martinez-Miranda on another trip to Minneapolis.

Charges led to becoming an informer

Facing charges that could have sent him to prison for life, Strong quickly became an FBI informer. He fingered numerous associates and participated in three "controlled buys" involving one of his on-reservation suppliers, Frederick Desjarlait. In a subsequent raid at the home of Desjarlait's mother, federal agents seized two kilograms of cocaine from a safe. Desjarlait, who testified at the trial, previously pleaded guilty to a 10-years-to-life conspiracy charge.

In one of the more stunning revelations of the trial, Strong admitted that after his arrest and subsequent agreement to cooperate with the FBI, he resumed selling cocaine. Dulce Foster, an attorney for Ramon Sayers, cited Strong's double dealing as a reason to distrust Strong's claims to have been involved in drug transactions with Sayers. "Gary Strong is a dishonest man," Foster told the jury.

Foster pointed out that Strong told FBI agent Robert Woldt that he didn't do business with the Sayers family, allegedly because of his rivalry with Craig Sayers,

Ramon's brother, over a woman. On cross examination, Foster asked Strong, "Mr. Strong, did you ever tell anyone that if you went down, you'd take the Sayers' family with you?"

Foster also highlighted the lack of evidence about any direct communications between Strong and Ramon Sayers. Over a two-month period, the FBI recorded approximately 5,000 calls on Strong's two phones lines, many of them involving drug transactions. In those recordings, Strong and Sayers never spoke to each other.

Conversations with Strong associate

But while the wiretaps didn't establish a clear connection between the two men, they included a series of frank drug-related conversations between Sayers and Marida "Missy" Seki, who sold cocaine for Gary Strong. In those exchanges, Seki, who testified that she was a heavy crack smoker at the time, arranged to purchase cocaine from Sayers on occasions where Strong was out of town or "ran dry." Some of the purchases were made on credit, she testified; others with cash or food stamps.

With Sayers' conviction, all 33 cases involving Red Lakers have been resolved. The government dismissed the charges against one defendant, Loretta Kingbird. Twenty-six other defendants -- including kingpin Gary strong -- were convicted of a conspiracy charge that carries a minimum sentence of 10 years in prison. The remaining six defendants pleaded to the so-called "telephone charge" and face up to four years.

On the reservation, the legacy of Red Lake's biggest drug case remains unsettled. Since the first wave of mass arrests in 2006, most of the defendants, including Gary Strong and Ramon Sayers, have remained free on bond. They will likely remain free until sentencing, which is not expected until fall or early winter.

Relief, sadness, sympathy and fear

For Red Lakers, the case elicits a complex mixture of relief, sadness, sympathy and fear. Because so many families are involved — and because of concerns about violent retribution — many will only discuss the matter with a promise of anonymity.

"We're all somehow related to each other, and all of us have someone in our extended family mixed up in this," said one elder.

"I know some of the people who were arrested. I like them. They are nice people. And you can't hate people who you watched grow up. And I hate to run the name of Red Lake in the mud. But this stuff [crack] has just taken over and you wouldn't believe the people who are using. There are grandmas that are hooked."

"It's just very sad," she added. "But I still believe this is a good place to live. It's still possible to have a good life here. Otherwise, I wouldn't stay here."

For others, that conclusion is less certain.

One former tribal official, who also asked not to be named, said he despaired over the extent of the continuing drug problem on the reservation and the seeming inability of the tribe to address it.

"Even after this, we see dealers that haven't been touched. The trafficking still goes on. It's just not as open as it used to be," he said, adding: "My own grandsons are probably headed down that road and I can't do a damn thing about it."

Mike Mosedale, who has written for City Pages and newspapers in Connecticut, Wisconsin and California, reports on the environment, Indian affairs and other topics.

THE DAILY GLEAN

For Minnesota schools, higher test scores bring more pain

By DAVID BRAUER

Nearly two-thirds of Minnesota high school juniors failed to meet No Child Left Behind math standards, reports the PiPress's Megan Boldt and MaryJo Webster. This year's sophomores will have to pass the standardized test to graduate; one Minneapolis leader tells the Strib's Emily Johns and James Walsh that grad rates may drop. Despite slightly improved overall scores, rising NCLB subgroup standards mean more high-poverty schools will face federal sanctions.

More on testing: A yawning achievement gap persists between whites and non-whites; Minneapolis's was worst. However, MPR's Tim Nelson notes American Indian reading scores surged 12 percent, the biggest gain among subgroups. But Asian and Hispanic 3rd-grade reading scores are down more than 10 percent in two years. One reformer notes math-passing rates declined by half from third to 11th grades. Nelson adds that two-thirds of blacks and Hispanics support testing, but only a quarter of whites do.

Take that, Kersten! The Strib test story notes that among schools with a majority of low-income kids, the best math-test performer was Tarek Ibn Ziyad Academy. Yes, that's the Arabic-language charter school columnist Katherine Kersten has crusaded against for allegedly impermissible Muslim practices; 84 percent of students qualify for free or reduced-price lunches; 86 percent reached math proficiency.

Minneapolis police are increasingly searching cell-phones for evidence, and now have a \$4,000 Israeli forensic device that can "read and copy a cell phone's video, photos, text messages, call history and personal audio recordings." The Strib's Steve Alexander writes that the device can scan 1,400 cellphone models and extract data in two to three minutes. There have been 68 cellphone "searches" this year.

The PiPress's Bob Shaw is in the middle of a three-parter on affordable housing; the Met Council wants a third of housing to be affordable, but its goals have "no teeth." One interesting facet: the numerical differences between 'burbs. Shaw notes Burnsville has twice as many subsidized affordable units per-capita as Eagan; Stillwater three times that of Afton, and Apple Valley has doubled some neighbors. Lake Elmo has a single government-subsidized unit.

Tomorrow, the quarter-cent transit sales tax kicks in for five metro counties. The PiPress has an excellent graphic comparing new rates here. You'll pay almost a percent less in Scott and Carver counties compared to Minneapolis, but you'll have to pay those high gas prices if you want to drive out for bargains.

The PiPress's Rachel Stassen-Berger notes Norm Coleman has a new ad acknowledging economic troubles and touting his gas-tax opposition. "Does it make people feel more secure to hear about their insecurities from an incumbent?" Stassen-Berger asks.

The Strib's Mark Brunswick profiles 155 Minnesota National Guard soldiers who build "combat outposts" in Baghdad's worst sections. Brunswick says the soldiers "wield their hammers with 80 pounds of combat gear on their back" and have built more than 220,000 square feet of office and living space in places like Sadr City. There's been only one injury, from a mortar attack. Their work is "largely designed to last no more than five years" — hopeful withdrawal sign or odd obsolescence?

Wild: A Minneapolis woman with a brain pacemaker says "wireless widgets" can affect her settings, and the list of devices keeps growing. Jackie Christensen has Parkinson's; St. Jude Medical just began testing an implant to fight depression. In the Strib, Christensen urges the government to reassert its regulatory rights over electromagnetic interference, rather than deferring to industry. WCCO has a story on depression-ameliorating implants here.

Reality has hit Minneapolis convention boosters, who are no longer pushing for a massive, 1,000-plus-room convention hotel. The Strib's Steve Brandt says one proposal had called for \$40 million to \$100 million subsidies to a \$300 million project. Over 1,200 hotel rooms have opened downtown in the last 30 months.

The Strib's Norman Draper looks at how schools are dealing with high fuel prices. Robbinsdale is pushing back start times at most elementary schools 20 minutes to cut bus routes. The Rosemount-

Eagan-Apple-Valley district's 200-bus-fleet costs have soared \$700,000 in three years. Minneapolis has received a bargain by joint city-district fuel purchasing.

A few days after the PiPress said it was OK to delay an instant-runoff voting initiative, a Strib editorial urges St. Paul City Council members to let voters decide this year. The no-primary, ranked-choice system has drawn constitutional questions, but the Strib says the city attorney's fears aren't solid enough to deny the voters their decision. (Disclaimer: I worked on Minneapolis's IRV initiative.)

Today's PiPress editorial page has been outsourced west; both stories come from the Portland Oregonian.

After an HIV-positive boy was banned from swimming or showering in an Alabama campground pool, the local Camp Heartland named its new swimming hole for the boy and flew the family up to take a dip, KSTP reports.

Nort spews: I'm getting vaklemt; The National League is leaving town. Kevin Slowey was masterful as the Twins beat the Brewers 5-0, but they're still a game and a half back of the White Sox. At Interlachen, 19-year-old golfer Inbee Park became the youngest U.S. Women's Open winner ever, winning by four shots. The Wild dealt Brian Rolston's rights to Tampa; he becomes a free agent tomorrow

COMMUNITY VOICES

The Second Amendment: Next questions

By MATT EHLING

Last week, the Supreme Court settled a constitutional debate that had, for decades, left an unattended gap in the Bill of Rights. In the case of *District of Columbia v. Heller*, the court finally ruled that the Constitution's Second Amendment protects an individual right to own firearms.

The *Heller* opinion overturned Washington, D.C.'s, strict 30-year-old handgun ban, and also invalidated several decades of lower-court precedent, which held that the right "to keep and bear arms" belonged to government militias, rather than to individual citizens. In this regard, *Heller* provided not only a narrow triumph for the plaintiff in the case, but also a broader affirmation of America's tradition of guaranteed, individual liberties.

In matters of constitutional law, however, a single courtroom victory seldom provides resolution to all aspects of a given issue. Anthony *Heller's* victory at the Supreme Court raises a raft of additional questions about firearms law that will likely take years of litigation to resolve. It is worth taking a moment to preview some of these upcoming battles.

A matter of incorporation

The next major test of Second Amendment law is likely to involve the question of whether the amendment restrains the conduct of state governments in the same way that it binds the federal government. *Heller* only addressed the Second Amendment as a matter relevant to federal authority. This was proper, given that all of the questions that the court confronted in *Heller* were federal in nature. However, a substantial number of American gun regulations are not federal laws, but state statutes. Discovering the extent to which the court is willing to extend *Heller's* check on federal power to the states is the next order of business for advocates of gun owners' rights.

To understand why *Heller* be-

came the effective test case for the Second Amendment, one must first understand the legal concept known as "incorporation."

The Bill of Rights, as originally conceived, applied only to the actions of the federal government, and did not bind state legislatures or local municipalities in any way. Since the D.C. handgun ban impacted an exclusively federal jurisdiction, *Heller* presented a clean test of the fundamental tenets of the Second Amendment. Raising a legal challenge to a state or municipal gun law would have given the court the option of dodging the matter on a technicality. Instead, *Heller* avoided complicating side arguments, and allowed the court to dig down to the amendment's most basic underpinnings.

While the Bill of Rights was initially meant to constrain only federal power, its role has been altered by subsequent amendments to the Constitution. Specifically, the ratification of the Fourteenth Amendment in 1868 broadened the effective scope of the Bill of Rights, and set the stage for its prohibitions to apply to the states as well.

Fearful that state governments would enact punitive, race-based laws to restrict the rights of freed persons in the post-Civil War South, Congress wisely passed a constitutional amendment that prohibited states from infringing upon "the privileges and immunities" of national citizenship. In the legal realm, this has meant that the Supreme Court has gradually moved to "incorporate" various parts of the Bill of Rights as checks against state power.

In the years since the incorporation doctrine was first adopted by the court, most of the Bill of Rights has been applied to state governments. The Second Amendment is among the last provisions of the Bill of Rights that have yet to be incorporated in this way. Because of this, the "incorporation question" is sure to fuel the next significant round of Second Amendment litigation. Due

to the court's consistent track record of incorporating fundamental, individual rights, it is also highly likely that this matter will be resolved in the affirmative once it reaches the Supreme Court docket.

To keep and bear which arms?

While the incorporation question will loom large over future gun cases, it will not be the most contentious issue to arise from the *Heller* decision. The far more controversial area of inquiry will involve answering specific questions about which arms the people are entitled to keep and bear. In other words, federal courts will have to discern, on a case-by-case basis, which guns are protected against governmental action. In the realm of constitutional law, these sorts of questions most often get answered by applying a standard of review known as "strict scrutiny."

This "strict scrutiny" standard places a high burden on the government to show that a particular regulation or action does not limit protected, constitutional behavior. For example, in *Cohen v. California*, the Supreme Court ruled that the state of California could not prohibit the wearing of clothing which bore obscene words.

The court invalidated that section of the California penal code as an infringement upon a fundamental, First Amendment right. At the same time, the strict scrutiny doctrine also assumes that constitutional liberties are not absolute in every instance. Because of this, courts have allowed limited circumstances in which rights may be restricted, but only when such restrictions serve a "compelling governmental interest." In the First Amendment realm, the court has ruled that speech conduct which constitutes libel or "terroristic threats" is not protected, and may therefore be regulated by the state. By answering such highly specific questions, the court has allowed a complex body of First Amendment

law to emerge.

Like its First Amendment cousin, Second Amendment doctrine may become equally complex and rule-based over time. The questions posed to the courts will be narrow, and will likely be focused on which calibers and functions fall within the scope of the right to "keep and bear arms."

While not providing a definitive answer, the Court in *Heller* hinted that it might look to a portion of the 1939 case "*United States v. Miller*," which was the high court's only prior Second Amendment case. In general, *Miller* set out a two-pronged test whereby guns protected by the Second Amendment must be:

1. Arms in common use;
2. Arms that could serve a militia purpose, if so needed.

Opinion endorses 'in common use' idea

The *Heller* opinion is unclear as to whether it would affirm both prongs of this test, but it very explicitly endorses the idea that arms "in common use" are entitled to constitutional protection. Thus, the court seems prepared to ensure the protection of some classes of firearms that have been hotly pursued by gun-ban groups in the recent past.

For instance, virtually all side-arms would fall under *Miller's* first category, save for some of the more exotic. This prong of the *Miller* test would also clearly cover the majority of semiautomatic assault rifles, many of which are in common use throughout the nation. If lower courts were to later adopt the second "militia" prong of *Miller*, it should be noted that many of these same assault rifles would make an even better match for *Miller's* dual criteria.

Read the complete article at www.minnpost.com.

Matt Ehling is a St. Paul-based documentary film producer and writer.