

**Interview with Chief Justice Douglas K. Amdahl**

**Interviewed by Margaret Robertson  
Minnesota Historical Society**

**Interviewed in September and December, 1989  
at the offices of the Minnesota Supreme Court  
State Capitol, Saint Paul**

MR: One thing we're always interested in is the background of the justice. Why don't you tell us about your childhood and growing up?

DA: I grew up in a little town named Mabel, Minnesota, in the southeastern corner of the state. It was named that because the railroad went through there, and the daughter of the engineer was named Mabel. She broke her arm on a siding there, so they started calling it "Where Mabel Broke Her Arm," and eventually became "Mabel." This was a small agricultural community. It was a great place to grow up. I love that little town.

My mother was a rural school teacher for many years. She later was the principal of the local high school for a while. My dad was a harness maker and eventually went into shoe repair. He later had a shoe store and then both a repair and shoe store. I think it was a typical small town. First there were just two churches, Methodist and Lutheran. Later, a Catholic church was built.

I think that area is the most beautiful part of Minnesota. It's rolling hardwood-covered hills and limestone streams. It was a nice, gentle town where everybody knew everybody.

For some reason, I am reminded of this just now. Back in those days, the kids did a great deal of playing cowboys and Indians. Almost everybody wanted to be a cowboy. I always got the privilege of being a cowboy because my grandmother had told me that a couple of my ancestors had been killed by Indians in a raid on a village in Massachusetts. So I guess the kids, out of fairness, figured that since the Indians had knocked off my ancestors, I should get a right to knock off some of the play Indians. [Laughter]

This was a retirement community and a farmer supply community. We were just about a half-mile from the Iowa line. We had a high school and an elementary school. The stores were mostly the storefront type. There wasn't much behind the storefront. We lived upstairs over my dad's shoe store in a place with a tin roof and tin sides. Oh, God, was it hot there in the summertime! In the wintertime, since things were not insulated, everything was always frozen. This was the Depression era, pretty much.

The farm depression of the '20s, of course, affected this little village, and then the Great Depression of the '30s came along and things were pretty tough. I guess it affected us a

lot, but we really never knew it because we had nothing to compare it with. Everybody was in about the same boat.

During my high school years, I worked all the time. I'd go to work at a bakery at 4:00 in the morning. I'd work there until 6:30, and then I'd go to the drugstore and open that up at 7:00. I would make ice cream and clean the place and do whatever else needed to be done. Then I would get to school by 9:00 or 9:30. I had some special dispensation to miss my early classes.

MR: Did you have any brothers and sisters?

DA: Yes, I had two sisters and a brother who died three days after his birth. Dorothy, my younger sister, drowned at the age of thirteen in a tragic accident. She drowned with another Girl Scout and a girl by the name of Margaret Deems, who was the daughter of Dr. Deems, the head minister for the Westminster Church in Minneapolis. Margaret was the scout leader, and the three of them drowned at the same time. Then I had an older sister, Donna, who was a year older than I. She had infantile paralysis, as they called it in those days. She spent a lot of time in the hospitals, and eventually was crippled and lame all her life. That affected her heart. She was one of the first at the Mayo Clinic to have some type of a heart valve implant, and she died some years after that operation. So I'm the only one left.

Mother and Dad are still alive. Dad is ninety-three. They had their seventy-second wedding anniversary on the 25th of September. Mother will be ninety-four in December. They are both in a rest home down there, near Mabel.

I think Mother probably was one of the hardest-working people who ever lived. She raised a family, and at the same time was a teacher in the rural schools, living in town during the days when transportation was either horses or a Model-T Ford. It was tough. I can remember that Mother and Dad had to get up at 5:00 in the morning during the winter. They'd go down and jack up the Model T because they had to crank it. If a rear wheel was jacked up, you could crank it in gear and it wouldn't be so stiff--otherwise you couldn't start it. They would pour boiling water into the radiator to get the car warmed up enough, and then they would get it started and let it run for a while. My mother would take off for school, and then she would have to reverse the process when she was going to come home at night. She was teaching about seven or eight miles out of Mabel most of the time. Sometimes she skied to work, sometimes she went by horse and cutter, and sometimes she had to stay at a farmhouse because she couldn't get home.

There was no hot water, of course, in those days around there. We heated the water for washing, bathing, washing clothes, and all other purposes on an old gas stove. At least we had running water, that was something. But it was a great place to grow up. I love that little town.

I think it was the end of our second year at high school that my friend Winfield and I hitchhiked to Madison, Wisconsin. I don't think either one of us had ever been on a bus or a streetcar before that. When we came back, we stayed overnight in some farmer's field. I remember coming back to Mabel on a Sunday morning. It's the first time I'd ever seen Mabel, really, as other people who didn't live there saw it--as just a hot, dusty, small town. It seemed to me the town had shrunk, and the weather had gotten hotter, and the place had gotten dustier. That's when I decided that, "I'm not going to live here all my life."

I was the valedictorian of my high school class, class president for my junior and senior years. My primary avocation was hunting and fishing. I loved those forests and streams around there. I thought I knew them about as well as anybody in the world until some years later, when we got a new sheriff down in Fillmore County. He took me fishing and showed me a couple of little teeny streams I never knew existed. The fishing was marvelous.

I was raised as a Methodist. One Sunday we finished what we called catechism class, and the next Sunday we were supposed to join the church. I didn't join that day because during the middle of the week, I got a job with the Lutheran church as the janitor. So I was the janitor at the Lutheran church and the lawn mower for the Lutheran cemetery. Eventually, I became a Lutheran.

MR: As a child, what did you imagine yourself doing after you grew up?

DA: I really don't know.

MR: Did you have any plans?

DA: The school superintendent, a fellow by the name of Johnson, was my chief promoter. He wanted me to go into engineering because he was a math teacher, and I had loved math. One of my other teachers was certain that I should go to law school. Eventually, I started at the University of Minnesota, taking pre-law and abandoning math. Over the years, however, I have found that there's a lot of connection, really, between the logic of the law and the logic of math. You use the same sort of reasoning processes.

MR: Did you have to work your way through the University?

DA: I sure did. Of course, tuition was practically nothing in those days, but I had to eat, have a place to sleep, and buy books. When I first came to the University, I got a job washing walls in an old building in exchange for a place to sleep. There used to be two beer joints on campus. One of them was the Brown Jug, and I can't remember the name of the other one. I was hungry, and the place wasn't very clean, so I talked to the man who ran the place. He gave me a job scrubbing things and washing windows and walls and blinds, in exchange for my eating there. Then I got a job at the Bridge Cafe, which was better both in terms of food and working conditions. Eventually, I wound up

working full time at the library. I used to be a runner in the stacks. Boy, could I run those stairs in those days. Yes, I worked all the way through school.

MR: And then you went to law school immediately after undergraduate school?

DA: No, I finished a couple of years of pre-legal. I knew the war was coming. I still remember coming down the stairs in Dad's shoe store. The paper was lying there, and it was September 1, 1939, when the Nazis invaded Poland. I knew at that time that we were going to get into this war. I don't know why I should think that at that time. But, anyway, I went to work for a year to put a little bit of money away, while attending classes part-time. I was trying to save some money so I didn't have to work so hard at school when I went back to full-time classes.

Then when the war got closer, I went out to California. I went to work at the Lockheed plant building aircraft, P-38s. That was the most beautiful plane ever made, with those twin booms. Boy, were they marvelous! I worked there for about five or six months after we got into the war.

I had a low draft number, and I couldn't understand why I hadn't been called. So I wrote to my draft board back home, and I got a notice that Lockheed had asked for a deferment for me. I never knew that. I quit my job and advised the draft board, "I'm now available." I reported for induction into the service and was rejected because of my 20/300 and 20/400 vision rating.

I tried to get into the Canadian Army, and they wouldn't take me either. Somewhere I heard about a 4-F battalion they were starting, and I managed to get accepted into that. Oh, what a battalion we had! We had a guy with one arm, me who was about half-blind, another guy who was lame... But I don't think there was any trophy that could be won that we didn't win. While individually we weren't all complete, as a group, I'll tell you, we were complete. Some of the battalion were discharged and didn't get a chance to get overseas, but I did.

They sent me to codes and ciphers school here in the United States. I can't remember the camp now. It was a place in Illinois. I got a little more codes and ciphers work when I got overseas. So the 4-F designation didn't bother me, although one thing that always worried me was breaking my glasses because I would have had a hell of a time. So I never went into a new camp without first ordering new glasses at the medical area. I had new glasses coming to my home a year after I got discharged. [Laughter]

I had about two years overseas in the European theater, taking part in six major campaigns. On July 14, 1945 at Reptich, Germany, I received a certificate of merit from the commanding general of the IX Engineer Command for outstanding performance of duty. Then I came back home, having just two quarters left at the University until I could get a business degree. I got back in November of 1945 and graduated in August of 1946 from the business school.

Then I taught school for a year at a business school down in Mankato. I liked teaching except for the fact that the class was made up of returning GIs. Where we should have had thirty people in the class at a maximum, we'd have twice as many or more. There was always a few of them who would get a little behind. If you can catch them early and spend some time with them and straighten them out, those slower students will do all right. But there were so many students, you couldn't possibly spend any time with them individually. It was very frustrating.

So I came back to Minneapolis, went to work for a finance company, and enrolled in William Mitchell College of Law. The school was then in Minneapolis and known as the Minneapolis-Minnesota College of Law. I eventually graduated.

MR: Were there any professors whom you especially remember?

DA: Cy[rus] Rachie was one of the greats. He projected integrity and ethics, and he was a great teacher. There were many excellent teachers--Bill Sykora, Ted Knudson, and Harold Anderson come to mind. Another one was Andrew M. Johnson, who was the Danish counsel here for a long time. In fact, he represented the Danish government during World War II. He negotiated the Icelandic treaties so that we could fly in and out of there. Gee, I should think of a lot of names, but I don't. It's been too long ago.

At the end of the first year, the board of trustees asked me if I would take over the job as assistant registrar. It wasn't much of a job because it meant that I was janitor and bookseller and recordkeeper and everything else, but I did it. So I was assistant registrar until I graduated. Then I got the registrar's job, and I practiced law out of the school office for a while. I did a lot of work in combining the Saint Paul College of Law and the Minneapolis-Minnesota College of Law into one unit and getting the campus to Saint Paul. Our first Saint Paul location was over by Saint Thomas. Saint Thomas gave us the land.

At that time, the school had saved a lot of money. It was then located over the Nankin Cafe in Minneapolis. We had a good enrollment, and our expenses were low. So the school saved money up until the time we joined with the Saint Paul College of Law. That college had a building that they could sell, and we had, maybe, \$150,000 or \$200,000 in the bank. With that and what we could borrow from one of the banks, we built the law school near Saint Thomas.

Then as that got too small, we eventually went over to where William Mitchell is now. I spent a lot of time--a lot of hours--working on those things. But it sure has paid off. I think William Mitchell is one of the best law schools in the country now, and I still work with them. I've been on the board of trustees for twenty-five years or more, I suppose, and I have been secretary of the board for the last ten years.

The little finance company I worked at was kind of fun in a way. We had two things going. We did a lot of financing for little car companies upstate, and we also did a lot of financing of furniture and stuff for people in the poorer areas of Minneapolis. The company itself was owned by three lawyers, and a fellow by the name of Stan Bergstrom was the manager. I sure got to know a lot about people and so forth in the year I was there.

MR: Did you have to collect payments?

DA: I did a lot of that. In one of the districts, there were a lot of poor people. We worked with one particular company that we later quit dealing with. What the company was supposed to do was that if the borrower didn't make a payment, the company was to make up the payment itself and forward the money to us. The borrowers didn't pay us directly. But what this company would do is that if the borrower didn't make a payment, instead of notifying us, the company would sell them something else, so they would have a new contract. It kind of pyramided after a while. They owed us a hell of a lot of money.

But I can remember going out and talking to a lot of the very poor people. They would pay me maybe a dollar or two on account when they could. It didn't help any that a son of one of the lawyers who also worked there had a great big Fleetwood Cadillac. I had no car to use at that time. I had a car, a Model-T Ford, but I didn't drive that around. So once in a while I'd use his car, and I'll tell you, going up to some poor area in a Fleetwood Cadillac to get a five-dollar payment or something--it just didn't fit the mold.

MR: You mentioned you practiced law for a while out of the registrar's office. Then did you go into private practice?

DA: Yes. George Scott and I started together practicing in 1952. In January of 1955, George went to work with Miles Lord's office when Miles became state attorney general. Then there was a vacancy in the county attorney's office when Matt Dillon, then the county attorney, went to the district court. The county board--then made up of five people--was pretty well split. George had two votes for and two votes against him, and the fifth one indicated that if I went to work with the county attorney's office, why, he would vote for George. I figured a year in the county attorney's office wasn't going to hurt anybody.

I think it was one of the most enjoyable times in my life. I started there in July of '55. Hennepin County had been in the dark ages, really, until that time. The county really didn't have anything. Of course, it didn't know anything else either, but the county didn't have decent roads or a highway department, or a welfare department. It really didn't have anything that was up to snuff the way it should be. I don't even know for sure if the county was using typewriters, although it probably was. Anyway, it was a marvelous time to go to work. The rural area was waking up.

I was head of the civil division and attorney for the county board. It was another great experience. On Saturdays, it was just like going to a doctor's or a dentist's office. There would be chairs lined up outside the office, with anywhere from five to thirty people out there. These were people who were on their respective town boards, or who were village officials. These township boards and villages didn't have attorneys in those days, so these people would come in and ask the county attorney's advice. We put in some long Saturdays, but they were exciting.

At that time, Minnetonka was still a rural area. It really didn't have a name yet. There were two opposing factions. There was the group that wanted to have it named "Burwell," and a group that wanted it called "Minnetonka." They filed petitions with the county auditor simultaneously. In fact, one was filed a minute or two before the other because the auditor couldn't handle both petitions at the same time. But both factions were waiting at the door when the office opened for business in the morning. The county auditor threw the issue over to the county attorney's office.

It seemed that the best thing to do would be have an election. The election was set, and a couple of days before that date, one of the district court judges granted an order stopping the election and granting the Burwell group's position to have the name "Burwell" adopted for the area. I still remember coming over here--it was the first time I was ever in the Supreme Court. With a couple of other lawyers, I went to see one of the justice there to get a writ restraining the judge's action. We got the writ and I served it on the district judge personally. I can still remember how angry the judge was. Anyway, the village did hold a vote, and the name "Minnetonka" won. Minnetonka then became the name of the village out there.

Another interesting case again had to do with Minnetonka. Earl Ainsworth represented all the rural districts to the county board in those days, while the other four commissioners divided up Minneapolis. Earl was having a little political difficulty out in the Minnetonka area. There was a group out there--I think it was a garden group of women--who wanted to change the name of Mud Lake to something else. Eventually, the name "Scarlet Tanager Lake" was what they picked. So Earl came in to see me, wanting to know if we could do that.

Well, I told him I didn't know, but I would sure try to find out. I found out that we could. Wayne Olsen, then the state commissioner of conservation, had to agree to it, and the county commissioners had to agree to it, and that was really about it. The notice of the name change also had to be published. Never have things moved any faster. In the absolute minimum amount of legal time, we changed the name of the lake to "Scarlet Tanager Lake." Now they call it "Tanager Lake." I think that name change carried Earl's election in that area.

I remember another funny case. In Excelsior Bay, the area was kind of like a half dish, rounded off, with a little island out in the lake. Well, the people on the lakeshore decided they were going to try to get that island for themselves and have it divided up like a pie.

This island would be the center of the pie. Well, really the land had been made by a dredger, and we wanted the island for the state or the county. At that time, there was just one dredger for the whole lake, and, boy, he did a lot of things out there. So they filed their petition to get the land, and I went down to oppose it. When I was going into the courtroom, one of the news reporters was standing there.

He said, "Doug, what the hell are you down here for?"

And I said, "Gee, the landowners are trying to take Frog Island."

"What the hell is Frog Island?"

"Oh, it's a little, teeny island out in Excelsior Bay. All the frogs from Minnetonka come over there to breed. That's where they raise their little frogs."

It drew a big story. There wasn't one word of truth in it. I hardly dared to go to work for the next month. I was afraid they'd shoot me or something. [Laughter] But nothing happened, and the county got the little island, which gradually grew bigger with help from the dredger.

Another case involved a little island that was owned by Josiah Chase. He was willing to give it to the county if we would name it after him. So we called it "Goose Chase Island." We expanded that land considerably, too, by dredging. That same dredger, upon request, was very anxious to do things for the county because he was making a fortune dredging out there. So he dumped sand on the island, and we made that a pretty good-sized island eventually. You couldn't do those things anymore. [Laughter]

MR: No, I don't think so. So was much of your work for the county attorney's office was working with the rural communities?

DA: Quite a bit of it, yes. The civil division of the office handled everything that wasn't a criminal matter. In a growth period, there are always things going on.

We got some decent highways during that time. We got a decent highway department, which was one of the more interesting things that ever happened. There was a paupers cemetery out at the paupers home. The highway department wanted to build there, and they eventually did so on part of the land. Another part of the land was sold to Honeywell, I think. Anyway, the cemetery had to move. Now moving cemeteries is not something that the public remains very placid about. The citizens get very excited about such an action.

The county board, at a meeting where no media reporters were presented, voted to remove the remains of those persons buried in the paupers cemetery and appropriated funds for that purpose. The amount budgeted was based on a per corpse disinterment and reburial at a beautiful little cemetery in the village of Minnetonka.

Ole Pearson was the budget and purchasing officer for Hennepin County at that time. I'll tell you another story about him later. Anyway, he checked what records were available and determined that there were 375 persons buried at the paupers site. He then--on some unknown basis--brought the number up to 397 to be on the safe side. Ole then rounded it off to 400.

A local undertaker was employed to oversee the project on a per corpse amount. We also hired an expert in body removal who, when a skeleton was uncovered--and that was about all that was left of those buried there--could look at the bones and almost instantly advise whether the skeleton was complete or if some part were missing. In the latter case, much sifting and additional looking had to be done. There was a problem with the issue of amputees, but this expert could ascertain whether the corpse was that of an amputee or of a skeleton with a part missing after burial.

With a budget covering 400 removals and no publicity, everything seemed to be going well until I got a call one morning from the undertaker in charge. "Doug, you should know that we've gone way beyond 400 bodies."

I asked, "How many beyond?"

He replied, "Well, we have uncovered 420 so far."

The county had an emergency fund of \$25,000. I talked to the county board, and it was determined that the extra costs could be taken from that fund. However, almost every day brought news of more bodies being found. We went from 500 bodies to 650, 800, 1000--finally reaching a figure of more than 1,300. By this time, the original budgeted amount and the emergency fund had been expended, along with every other dollar the county officials could produce from any other source. The fact that publicity was not at all desired made the locating of funds and their expenditure more difficult than usual. However, finally all the disinterments and reinterments were accomplished without one word in the media outlets. Then we made an announcement about what had been accomplished and included a picture of the new resting place and its monument. I don't remember a single unfavorable comment by any member of the public, but there certainly had been a lot of anxious moments during the entire event.

Someday I am going to write about this episode in stressful county administration life. We discovered through coins, scraps of dated paper and other items that were found with the bodies--along with the mostly useless records that were available--that no burials had occurred after 1921. After a lot of discussion and historical research, we concluded that during the flu epidemic of 1918-1919, people had been dying like flies. Their relatives would bring the dead to the cemetery to be buried, or would bury the bodies themselves just inside or outside the fence enclosing the area. Additionally, there was an old stone house on the property where the bodies were kept in the winter, when the ground was frozen and grave digging was difficult. There were dozens of burials within that building.

It appeared that a layer of bodies would be covered with dirt, and then a new layer would be started and covered.

Can I tell you a story about Ole Pearson?

MR: Yes.

DA: Ole was one of the great storytellers of all time. There was also another guy, Judge Levi Hall, who worked in the building and who was also a marvelous storyteller. They came to work about the same time. I think they may have stopped for coffee together. Anyway, they would often meet at the elevator. By the time they got up to the fourth floor, other people would be waiting--they knew that if Ole and Levi were together, they would be telling stories. So there would be a crowd waiting, and the storytelling time would start. This would happen at least once or twice a week, and it was always out in front of the elevator. The elevators were always slow because the elevator operators--they were manually operated in those days--wanted to stick around and listen to the stories, too. Ole and Levi are both long gone now. It's too bad that they couldn't leave that wealth of stories behind them.

Levi Hall was a practical sort of a judge with a great deal of wisdom and a lot of insight. He was a judge who would fall over backwards to help everybody he could. If a lawyer needed something, Levi would do the best to help him.

We also had another judge, whose name I won't mention for the record, who was one of these where you've got to dot every "I" and cross every "T." Nothing was ever done right for him.

I remember one of my classmates, Art Weisberg, saying, "I took an order down to be signed, and he didn't like the way the order was drafted. So I went back to the office and got it redrafted and brought it back. He didn't like it then very well, either. It needed some paragraphs changed. So I went back and did that again. Three times I was down there. Finally, he signed the order. It was lunchtime, so I walked out of the judge's office and had my lunch break. Then I ran into Judge Hall. He signed my lunch break three times while I was there." That was about the comparison between the two. [Laughter]

They had some characters on the bench in Hennepin County, and I suppose they still do. All of them were wonderful people. One of them was just too persnickety. His heart was in the right place--it's just that his mind was too technical. But they were a great bunch of people to work with. Some of the stories probably should go into the record.

In those days, we had what was called "Baum's Law"--we also called it "bauming" people. If someone had three felonies, a judge could send him up for life. This particular defendant had been in trouble before and had several felonies on his record. Then the police department got a call one day saying that there was a man in a car having sexual intercourse with a dog. So the police came out, and, in fact, found that to be true. This

fellow offered them a \$100 bribe, so they charged him with bribery. That's a lot easier case to prove.

I was sitting in the chambers after the trial with one of the judges, and a second judge came in and said, "What are you fellows talking about?"

"Well, we're just talking over this particular defendant's case. He got nailed for life. He got caught sexually abusing a dog, and the jury convicted him of bribery."

So the second judge said, "How come you didn't charge him with sexual intercourse with the dog?"

I said, "We couldn't get the dog to talk."

The second judge says, "Geez, why didn't you send the dog up to Captain ----- in the jail? He'd have gotten him to talk."

But it was fun to try cases in those days. Generally, there were just two attorneys in the courtroom. There would be one attorney representing one side and another attorney for the opposing side. That was pretty much it. Now if there are less than ten lawyers in the courtroom, they figure that somebody must have forgot to come. Things are getting too complicated.

The years in the county attorney's office were wonderful years. We had a tremendous relationship with Attorney General Miles Lord's office. Because a new society and a new culture were developing in Hennepin County, there were new things coming all the time. A lot of questions had to be submitted to the attorney general's office. Generally, what we did was to submit our question and also submit the answer, and most of the time, that was the answer that came back as to what we could or couldn't do.

MR: So there was a lot of latitude in your ability to operate?

DA: Yes. We could set goals because everything was just kind of amorphous. There was some leadership in the little towns, but there wasn't a great deal of it, like there was in Minneapolis. Minneapolis was interested in Minneapolis, period. The city didn't give a damn what happened outside of Minneapolis. So we had a chance to develop county government.

I remember when we bought the new welfare building. It was probably the only bomb-proof office in Minneapolis at that time. It's got walls that are fourteen feet thick. We bought it for practically nothing, because the county was not used to spending any money. I think we paid \$300,000 for that building, because the fellow that owned it was a civic-minded fellow named Frank Griswold--from Griswold railroad signals and so forth. We were again concerned about the publicity and all. Here we were spending this money for

this building. People were going to holler that we were being too generous with the county's money. But, again, a couple of people complained about it, but that was about it.

It's always been that way, I think, with governments. They really never do the things that should be done to the extent they should be done at the time, whether it's building a jail or anything else. When we built the Hennepin County Jail a few years ago, it should have been built at least twice as big as it was. It wasn't done because the county board was afraid of the public hollering about spending all that money. It's the same way with most issues. But we got things done.

The judgeships came later. In 1961, I went on the bench in municipal court. At that time, it looked like George Scott was going to be nominated for the United States attorney's district office. That would mean that there would be a vacancy in the county attorney's office. Dick Hansen was then the chairman of the county board. He came to see me, and said, "Doug, you've got all five votes on the county board if you want the county attorney's job."

I told him I didn't. I didn't want it. I wanted to get back to private practice. Then there became a vacancy on the municipal bench. Luke Sletten had moved up to the district court. In those days, they had a plebiscite among the lawyers. Generally, the one who got the most votes was appointed by the governor.

So I figured, "Gee, if the county board would vote for me, maybe the lawyers would." So I got in. There were about ten of us, I think, in the running. I got the most votes, and Governor Elmer Andersen appointed me, and that was it. Then I was there on the bench for about a year and a half as a municipal judge.

Then an interesting case developed. Judge Harold Rogers was running for reelection. There was no primary because he was just running for his own job. He was a great judge, and there was never any opposition. He died just a few days before the general election. Don Barbeau, a fellow municipal judge, started a petition to get placed on the ballot. I signed his petition.

I got a call from Governor Andersen, asking me if I would take the job. He said, "You're probably going to run into a lawsuit because there's going to be a question whether or not the appointee or the electee will have the job."

So I was sworn in on the second of November. The election must have been the third or fourth. I came back and told Barbeau that I was now the district court judge and that there wasn't much to run for. Because there wasn't enough time to put Don's name on the ballot, the election judges handed everybody a little slip of paper with his name on it. What a way to run! He got about the biggest vote ever because everybody got that piece of paper. There wasn't anybody else's name on it, so the voters all stuck it in the ballot box. Anyway, the Supreme Court decided later that year that I had the job and that the election process had started too late.

So I went on the district bench. The day I came back from the governor's office, the same day that I had talked to Barbeau, I met with John Weeks, then the chief judge. I had worked very hard to try to set up a family court when I was in the civil division of the county attorney's office. There needed to be a family court unit of the court, because the family court shouldn't be along with everything else. The current system just wasn't working. We had Judge Theodore Knudson, who was Sue Dosal's father--she is our state court administrator now. He was the family court judge and was very effective in that area. We got that family court set up. He had the court for, I guess, six or seven months--it was just in its formative stages.

When I came back from the governor's office that day, John Weeks said, "Well, Doug, you're the new family court judge. Pull this thing together."

So I had that job for three years. That was the worst three years of my life.

MR: Why is that?

DA: Well, for a couple of reasons. Number one, we were so buried in work that it was terrible. I almost killed my court reporters. I was generally there at 7:00 in the morning. We were having hearings by 8:00. At recesses we'd hear contempts for non-payment of support and so forth. The noon hour was generally about a half an hour. Sometimes we went late into the night trying to get that calendar down.

That schedule wasn't so bad as the problem that nothing seemed to really work. We tried all kinds of things. The experiments looked fine to start with, but we would find out a year or so later that they weren't working.

I can still remember finally being desperate one day, because the files were so thick and there were so many different kinds of orders that it was hard to find a particular order. So I decreed that we were going to use different color paper for different kinds of orders. I can still remember one of the attorneys who did a lot of family court work, saying, "Doug, you told me one time that none of these innovations of yours were working very well. I want to tell you this colored paper idea isn't working either. I'm colorblind." [Laughter]

I can remember Judge Robert Gillespie from the Tenth District commenting on one of my experiments. Judges quite often would order the husband to leave the family residence and stay away when a couple involved in a divorce action was always fighting with each other. There was almost always the problem of money. There usually wasn't enough to provide for the family when it was living in one place. Requiring people to live in apart required funding two living places. I decided that, except in very serious cases, I would not order the husband out of the house but would order each of the parties to occupy part of the home and leave the other part strictly to the other spouse. Judge Gillespie stated, "Amdahl's experiment is working just fine. There have only been three murders."

I can also remember one father who killed himself after a custody argument. I had figured that he wasn't safe to have the children because I didn't think he was balanced quite right. He went home and sat down in a chair. His wife was gone someplace. He sat himself in a chair in front of the main door and cut his wrists so that the kids would find him when they came home. Apparently, it must have taken him a little while to bleed because there was a trail of blood from the chair to the refrigerator. He got a bottle of beer and came back. He sat there drinking the beer until he bled to death. The kids found him that way. So I figured I was right on his being a little unbalanced.

What finished me up for family court was an incident that happened one day. I had a taxicab driver come in and say, "Judge, I've got four little boys out here to see you."

I said, "Little boys?"

He said, "Yeah. They flagged me down and told me they didn't have any money, but they had to see Judge Amdahl. So I figured I would take them down here and take them home again."

The oldest boy, who was eleven years old, broke me down completely. I still remember that. He said, "My mother and dad are getting divorced. You're divorcing them, but I came down here to ask you to keep us together because I have to take care of the little ones."

That just broke me up. Within a month I was out of family court. I had had enough of that. That worked out well, too, because this was 1964, the first year of the National College of the State Judiciary. The college was only taking brand new judges, but I convinced the board that was running it that I really was a brand-new judge because all I knew was family court, and I was getting out of family court.

So I went out to the National College. I was the second person to get a diploma from that college, by reason of alphabetical order. A fellow by the name of Agar from Michigan came out first. Agar got sick the last week, and I went down to see him in the hospital. I said, "Well, you stay here, and I'm going to get the first certificate."

But he came back and got the first certificate. He still teases me about that. In fact, we had our twenty-fifth anniversary of the college, and I got a copy of a letter he sent to the college board saying, "Well, Amdahl is going to be there with the number-one certificate this year because I can't make it." The group has stayed together pretty well over the years.

Then I taught at the college in 1967. I am now a faculty advisor, and I still get back there once in a while. It was a wonderful school for judges. Primarily, it was not so much what the school taught you, but what the other judges taught you. Everyone did things differently, and you could learn an awful lot. Ideas are easy to transport. You can bring a lot of them back.

MR: When you had been in private practice and then later in the county attorney's office, was the judiciary something that you always aspired to? Was it something that interested you in particular?

DA: No. It wasn't until I got to know the judges. Then they earned my respect. When you're in private practice, you really don't think much about the job of judging. You are looking for the judge to make a decision on something, and when you look at the decision, you really don't look at what brought that decision about. I later got a chance to see what brought those decisions about, and that fascinated me. So that's why I got started in judiciary. Later, in 1973, I would become the first non-senior judge to be elected chief judge by his fellow judges.

This was during the period when we were starting the plans for the new county administration building and judicial building. That was a lot of work. The people who were designing the building spent a lot of time with the judges but never used any of their ideas. So I advised the county that if the judges didn't get some of the things we wanted, we were not going to move.

The county officials had to move the judges or else they were in trouble, because the judges were one of the reasons that the building was being built. So they did modify their architectural plans. There was a lot of heat because the state had what was called a public examiner. I can't remember his name, but he was always running for something. He was absolutely vicious. He unofficially charged the commissioners with all kind of misdeeds and so forth.

I still remember one of the contractors from out of town who said, "Amdahl, I've never been to a place like this before in my life, and I've built buildings all over the country. I'll give you a perfect example. This morning I had breakfast with three of the commissioners, and not one of them would let me buy him his breakfast. It's the cleanest place I've ever been."

Well, the public examiner didn't see it that way. "The building costs too much," he said.

We got the best buy. It was at the time of low building pressure. There weren't many buildings going up so the laborers and engineers were looking for work. We got a magnificent new building for very little money. The public examiner was making all those noises, and the building wasn't completely ready yet for us to move into, but I was the chief judge at the time and figured, "I'm going to move the center of the judiciary over to that building right now to give my support to the county."

In our designs, I had designated the thirteenth floor of the courthouse for the chief judge's office, the media office, and as the site for another three or four offices that would be tied in with administration and with the public. I moved over there on Friday the 13th of

December, 1973, on the thirteenth floor. There wasn't any bad luck connected with that at all. I was the first judge to move into the new building.

At the same time, I was president of the Hennepin County Law Library Board. The Hennepin County Law Library was broke and in horrible shape. Stacks of shelves were broken, and the books were dirty and lying all over. There wasn't enough room. The sets weren't up to date. The tables and chairs were wrecked. One of the reasons for this was that the legislation that provided for the Hennepin County Law Library stated that if the lawyers paid some small amount--two dollars a year or more--then we couldn't get any public funds. After I was elected president of the library board, I went to work.

Tom Berg and Robert Tennessen were both in the legislature at that time. We prevailed upon them to give us assistance for one time only, and the legislature did so. That also permitted the county to give us money. With that and the great law librarians, led by Ann Grande, and a good, strong law library committee, we went to work to design a new law library on the twenty-fourth floor of the court tower. It's the most beautiful library in the country and the most efficient. The library was designed for the modern day, and it's state-of-the-art--everything we could get. I still remember how proud I was that first day when I charged the first book out of that library. It's a great library and has been kept up to the standard of being excellent.

The district court years were fun, and I've often wondered why I decided to come over here to the Supreme Court. At any rate, I did put my name in as a candidate and got put over here. After I'd been here about six months, I realized this was not the place for me. It was terrible. I'd been used to being with lawyers and other judges and people--witnesses, jurors, court attach,s, all kinds of people, a constant stream of people--in a town where I knew an awful lot of people. But for some reason I decided to come over, if I could, to Saint Paul and the Capitol. At the end of my first six months over here, I began to say, "This is not for me. I'll go back into private practice."

So I talked a little to Scott. He suggested I try it a little while longer. So I said, "All right. I'm going to give it a year, and by that time if I feel the same way..."

I felt like a monk sitting back in a cave, writing in big books. Due to the fact that you're a Supreme Court justice, everybody is kind of afraid of you or something. Sometimes you wonder if you smell bad because people don't want to be seen with you. There's a little of that when you're on the municipal court. The group which you used to have lunch with and so forth, you still have lunch with them, but you get the feeling that they'd kind of prefer you didn't. There are some things they want to talk about--maybe about you. I don't know. On the district court, it's more so. On the Supreme Court, it's really an ivory tower.

Well, about the time that I decided to resign and go back into private practice, [Chief Justice] Bob Sheran talked to me. He said, "Doug, I'm going to resign, and I would like to recommend to the governor that you take my place."

I told Bob then how I was feeling and asked him to give me a month to think it over, and he did. At the end of the month, I was convinced that the job of chief justice is much different from being an associate justice. You are with people. You're constantly involved with every type of organization, whether it's the legislature, church groups, lawyers' groups, everything. I found out, as these diaries will attest to, that you are very, very much involved.

So I said yes, and when Governor Al Quie interviewed me, I suggested to him that there were two other interviewees--Justice [C. Donald] Peterson and Justice [John E.] Simonett--he should also consider. I thought either one of them would make a great chief justice, and I wouldn't feel a bit bad if he picked one of them instead of me. But I got a call and was told that I had the job. Then life got exciting.

MR: You mentioned that the chief justice has a very public role. Why don't you talk a little bit more about that?

DA: Well, the chief justice is the representative of the court system. He speaks for the system when he speaks. Last night when I was looking through that diary, I remembered that I had gone at one time to a meeting in Duluth. There was to be a hearing at the Capitol about the rules on training students to become trial lawyers. Jimmy Otis was the senior justice at that time, and when the chief is gone, the senior justice sits as chief. So Jimmy Otis was sitting as chief, and I talked to him about a couple of thoughts I had on the proposed rules. I never thought that whatever the chief justice says or suggests is almost like laying down the law.

When I came back from Duluth, I found consternation. The two thoughts that I had had, and I never thought they were proposals--I thought they were discussion points--apparently had greatly upset and brought to a halt some plans that the law school had. I had never thought about that. Had I been here, the law school and I could have talked about that. But that is one example of how the chief speaks for the Court.

Well, as the speaker for the Court, you're constantly involved in many activities. It's just endless. Furthermore, there were a lot of things around here that needed doing. We needed an appeals court. We needed a new building.

I never really had approved of court unification, but that issue was there. What had happened was that we had gotten rid of municipal courts and JPs [justices of the peace]. Now we had county courts and district courts. The county courts and district courts were really enemies. Whatever one group wanted, the other one opposed. It was deadly down at the legislature. The legislators, I think, thought it was kind of funny in a way. So I could see that we were going to have to have court unification. There was no other way unless the courts would quit their bickering, which they wouldn't do. The judiciary had to speak with one voice or no one would hear us.

So I started pushing for court unification into a single trial court, although I still don't think that a single trial court is the best way to handle a court system. But, at any rate, that is what eventually came about.

At the same time, we had the push on for the Court of Appeals, which took a tremendous amount of time. I don't know how many speeches I made alone, and I had hundreds of other people doing it as well. In fact, my goal at one time was to have 1,000 people speaking in 1,000 places at the same time for a Court of Appeals. We never made it, but I think we had 1,000 different people making speeches.

Another fascinating story came out of this experience. Under our system, when there's a constitutional amendment on the ballot, if somebody votes at the election but doesn't vote on the constitutional amendment, that's a vote against the amendment. In making my speeches around the state, I was speaking at a town--I think it was Willmar--where once a year they have all the service clubs come together to hear an out of town speaker. During this particular speech, I talked about the difficulties of getting a constitutional amendment passed. One of the problems is that the language of the constitutional amendment is generally placed in a corner of the ballot. Unless you particularly looked for the amendment, you wouldn't see it.

A little old lady got up and said, "Judge Amdahl, let me give you a suggestion. I've been the election judge for many years at one of the precincts here. The people who are there with me also have been there for many years, so we know all the mechanics. We don't have to worry about what to do. Sometimes we play games. One time we told the people coming in to be sure to look for the constitutional amendments. About eighty percent of the people voted on the constitutional amendments one way or the other that year. The next time the constitutional amendments were on the ballot, we didn't say anything. The voting for or against the amendments was down around forty percent. The third time, we again advised them to look for the amendments, and the voting was up to eighty percent."

Well, I knew that the county auditors were soon bringing in the election judges to tell them how to handle things during the voting. So when I got home that night, I got one judge out of bed in every county in the state. I told the judges, "You get to your county auditor and instruct him or her to tell the election judges that they should advise people to look for the constitutional amendments."

Well, not only did the constitutional amendment for the Court of Appeals pass, but the amendments for railroad bonding, horse racing--everything passed that year. That one woman from Willmar really deserves the credit for that.

MR: That's amazing.

DA: Yes, it's one of those things that you don't think about. So we got the Court of Appeals. When that battle was done with, we had many people working on that issue.

MR: Was there a lot of opposition to the idea?

DA: There was a lot of opposition to start with.

MR: For what reason?

DA: Well, because the opposition wanted the Supreme Court to sit in panels. It didn't make any sense. You've got to have a Supreme Court. Which one is the Supreme Court if you have panels and they disagree? Furthermore, the opposition didn't realize the magnitude--the number of cases and the administration that the Court has to handle.

We also had appeals from the county court to three-judge panels of trial court judges. Well, they thought that could be expanded. But the problem was that we didn't have enough trial court judges to have those three-judge panels sit very often. If we were going to have more panels, we would lose more judges for trials, and the trial courts were already in the hole as far as case disposition is concerned. As we went through these various points, the opposition dwindled.

Finally, I think the only vocal opposition was from Governor [Harold] LeVander, and Governor LeVander had a very legitimate point. He didn't think that one governor should have the right to appoint all the judges to the Court of Appeals. I couldn't disagree with him. He was right, but it was better to have the Court of Appeals under whatever circumstances. LeVander later wrote me a letter saying he thought that the Court of Appeals was a great thing and doing a great job.

When the Court of Appeals was established, [Chief Judge Peter] Popovich did a great job, and the judges worked their tails off. They worked themselves to death, a couple of them. But, at any rate, we got the Court of Appeals.

Then the next emphasis had to be on the new judicial building. The judicial building was first funded by the legislature back in 1913. The legislature met every two years at that time. The architect for this building, the Capitol, had always thought that there would be another building for the courts. The courts would remain at the Capitol until the other building was constructed. In 1913, the legislature appropriated money for the building of a joint Historical Society and Supreme Court building--both outfits in one building.

Somewhere between 1913 and 1915, a group from Minnesota visited either Wisconsin or Michigan--I don't remember which one--where both the Historical Society and the Supreme Court were in the same building. This group found out that there was continual warfare going on. Those who made history were fighting with those who recorded history.

So when that group came back, they recommended that just one body be located in the new building. Now the historians don't tell me how it was decided that the Historical Society rather than the Court be given the building. That's the reason why your building

over there looks like a courts building, with those big columns and so forth. At any rate, the historians won out. So they got the building. The plan was then that the legislature would fund another building for the Court in 1917.

Well, in 1917 along came World War I. Then there was the farm depression of the '20s, the Depression of the '30s, and World War II. By the time World War II was over, it was planned that the state would build a courts building where the veterans building is now. Chief Justice [Oscar] Knutson thought that was where he was going to get his building. Well, he didn't get a building there, because a million or so veterans came back from the war. There were still the same number of judges on the Court, and they kind of got outvoted. So the state put in the veterans building.

We started a new, huge campaign to get the new courts building. We wanted it up on the hill by the hospital, looking over the city, but we couldn't get that spot. I don't know why yet. But at any rate, we then got a lot of opposition. I wanted to take over the Historical Society's building, but its board wasn't very happy with that. So we finally made an agreement that the board would quit opposing us, and we wouldn't seek their building. So the Historical Society, of course, then started its own campaign for its new building.

One thing led to another until finally, in order to get support for the new Historical Society building, the Society agreed to give us its present building as a front door to our building. The legislature then agreed to tear down Mechanics Arts School and give us part of that space. We had a lot of problems with tearing down that school, too, by the way. But at any rate, we were able to organize an international competition for the building, and the designs were great. We finally got a design selected. We got money from the legislature on three or four occasions for planning and the competition and so forth, and finally, as you see out behind you, it's being built.

It's going to be a beautiful building, functional, too--very, very efficient to operate and designed for the court purposes. So I'm anxious to see the work get done in 1990. We thought that maybe the building would be done this year if things had gone exactly the way we had wanted them to. The day after U.S. Supreme Court Chief Justice [William] Rehnquist was sworn in, I dropped him a letter asking him to be here in April of this year for the dedication of the building. He agreed to come. I later ran into him in Williamsburg one day.

"Amdahl," he said, "you have given me more trouble than anybody else. Never have I promised to do anything so far in advance, and I'm always running into problems with that date."

"Well, I said, "I probably should have told you a month ago, but I didn't know how to do it. We're not going to be ready then, so we're going to have to move the date."

He thanked me, and now they have written to him and asked him to come again, but he can't make it.

MR: How do you see the new building facilitating court operations?

DA: We will have everything in one place. Now the court system is located in seven different locations around the Twin Cities. The Law Library is one place, the Board of Legal Education is another place, the CLE [Continuing Legal Education] is in another. The Law Examiners meet in one place, while the Worker's Compensation Board and the Court of Appeals meet in other places. The Appeals Court is downtown. The Supreme Court is at the Capitol.

All of those functions will be in one building. Our information system--and I think we have one of the best information systems in the United States--will be there. All our administrative staff will be there. It's really going to be marvelous. You don't have to call all over, or look all over, or have people come from all over to do something. Furthermore, the building will provide a focus for education about the courts. We'll have almost continuous programs--some on videotapes, others live. There will be exhibits and so forth for school kids to see. So the new building really will be a center for the courts.

I enjoy very much looking out the window watching the construction. It's funny, it seems like there's no one around, and then at a certain hour when the crew starts work, it's just like ants coming out of an ant hill. They're all over the place. At night, it's the same way. Some whistle blows or something, and zoom, they all disappear.

MR: You spoke of the relationship that the chief justice has with the legislature. Would you expand a little bit on that?

DA: The chief justice has the job of working with the legislature. We don't go to the legislature except upon request. That rule has been violated a couple of times. It shouldn't have been, because it caused problems. But the legislative leadership and I talk together a lot. They leadership comes over here once in a while to meet with us, talking about long-range plans and so forth. Of course, the legislature has never yet turned me down when I wanted an invitation to speak to a legislative committee.

In fact, I made the only judicial address to the joint legislature that's ever been given in Minnesota. That's an issue I would like to spend a little more time on now. I think that should be done. Once a year, the chief justice should speak before the legislature. It gives one a chance to tell the legislature what has been done, how it was done, about the Court's plans, and how the legislature could assist in those plans. It paid off very greatly, I think--when I gave that speech. It's like most things--if there's any validity to the idea, people will accept it. If you get a chance to tell them why this is so, they will understand and support it. Otherwise, there is a fear of the unknown. If you can get rid of that fear, you're going to get some help.

The legislature really did a marvelous job for us. When they understood our problems, they worked together to solve them--as you can see by the unification of the courts, the new building, the Appeals Court, and the addition of new judges--that sort of thing.

I was convinced that we had enough judges in the state. We didn't need any new judges for a while. The problem was that the judges weren't where the cases were. It's fruitless to take a judge, say, from out of town and bring him into Minneapolis to hear cases because you have to provide him with room and board and all those other things--it doesn't work so well.

So the legislature responded by saying, "All right, we're going to give you an authority that no other chief justice or court has ever had. When a position in a judiciary becomes vacant in any district, we will give you the authority to replace that judge there as a county court or a district court judge, or to terminate the position or to transfer it to another district."

Well, that was quite a tool, and it's one that I decided over a lot of objections from the Court to use. The first opportunity was when there were two district court vacancies out of five in the Fifth District. I convinced the Court that we should terminate both positions and transfer them into other districts. Oh, boy--that was trouble city, but it turned out well.

But then the legislature knew that we were serious about what we were saying, and the other judges knew that we were serious. They hadn't paid much attention to that law before. They didn't think we'd do it.

Well, that case led to a couple of things. One was that there are full-blown hearings anytime a judge in a district retires and we are considering moving the position to another district. This is really an excellent educational process. The sheriff, court staff, county commissioners, and so forth appear at these hearings. We went out to the district for the hearings and would hear testimony as to why we should or shouldn't do something. The county people got to understand our court system. We got to understand their systems a lot better. It has really worked well. We also had hearings to determine where the judges should go if we transferred them--which districts had priority and what those priorities would be. That, too, was an educational process.

I think the process has strengthened the court system tremendously. I think it strengthened the respect for the court system out in the counties and the districts. It also strengthened the Court's respect for the systems that were out there.

The process kind of worked the same way for our information systems in computerizing the courts. Courts traditionally don't like to be changed. They're stuck in a certain spot they understand, and they don't want to have to do something new. Our first experiment with full computerization was up in Clay County. After we got the system running up there, we went to other counties.

I still remember a lady from Clay County who came up and hugged me. She had been there for years, and she said that the system was the greatest thing that had ever happened there. "For the first time, we really know what's going on in every department, and if we don't know we can find out by pressing a few buttons."

Take the example of a little thing like a traffic fine. Traffic fines are divided many different ways. It depends on who makes the arrest, where the arrest is made, and so forth. A lot of people pay them in installments. Somebody will send in a five-dollar payment which has to be divided up nineteen different ways. The computer takes care of all of that in no time. The system will allocate the money. It will record, of course, that a payment was made. If a payment isn't made, the computer will send a letter. If the letter is not answered within ten days, the system will notify the appropriate people.

Everything went on that system that had to do with the courts. It turned out to be such a good system that Honeywell then started marketing it for us. We got \$100,000 a year as a fee for them to sell our product. We also got a royalty when they sold it. When Honeywell sold it to one of the states, we got about \$300,000. Australia was and still is interested in buying it. It's a great system.

Of course, politics came into it, too. Two of the districts were going to join together and buy the system together, because they didn't have enough business to justify buying it separately. I wanted to put the computer center for those districts in a centrally located place. But, unhappily, the fellow who was going to have a lot to say about it was the chair of one of the legislative committees. He wanted the center somewhere else. We put it in the place he wanted, and we got his vote for computerization.

The system is a marvelous one. We used the same one at the Supreme Court here--the same system only modified to fit the appellate court rather than a trial court. Just the scheduling alone--knowing what cases are here, who is involved in the cases, how the judge's time is set, the attorneys' times and so forth--saves hours and hours.

I'll give you a good example. The chief judge in Hennepin County would go down to the jury room once every quarter. All the potential jurors' names would be on little slips in a big barrel. The chief judge would pick out three pounds and thirteen ounces of slips--that would produce the number of people we needed for the jury for that quarter. About twenty-five percent of the people had moved or died, but the balance was enough.

Well, getting those slips into the barrel was a project. Each year, each judge would receive the voter lists of the county. I would take a pin and shut my eyes and stick the pin in the list. I would take the name nearest the pin and every tenth name, until I had twenty names. Then I would repeat the pin-sticking part until I had my quota of prospective jurors. Every other judge was doing about the same thing, until we each had 300 or 400 names to turn in. I would have those names checked off, and then my court reporter had

to type them on lists. The names had to be typed alphabetically--like "Amdahl, Douglas" so the staff could find them.

Then for the envelopes and so forth, the names would be typed the other way. Then a listing of the names and addresses of each prospective juror was made and cut up into slips that went into the barrel with one name and address on each slip. It took hours and hours and hours of staff time.

Well, I called a representative from the Denver Institute of Court Management and talked to her about this problem. She said, "We can take care of that."

We got an appropriation of \$25,000. The representative set up a program on the computer. Now the chief judge goes down to the computer room and picks three ping-pong balls, zero to nine. That's the starting point for the computer--it does something with those three numbers. Seven minutes later, the jurors' names are all listed alphabetically and typed out for the envelopes on little stickers. The jurors who are not doing anything down in the jury room peel off the stickers and stick them onto questionnaires for their successors. But seven minutes is all it takes now to get those lists ready.

Also, we have a chance to expand the lists--they used to include only registered voters. After we developed this better selection system, I talked to some of the legislators into letting us expand our list. What I wanted--and if I could have gotten it, we would have had the broadest list of all--would have been Dayton's list of credit card holders, but Dayton's wouldn't give it to me. What we are using are lists of drivers' licenses and things of that nature. One of the problems is that a lot of people don't vote, and a lot of people who maybe would vote don't avoid being called on a jury. So we got away from using that list. Using a list of everyone who has a driver's license gives us a very broad field. So we expanded the jurors' list.

Another innovation came about with the juries. The grand jury has always been a blue-ribbon jury. Each of the judges would pick one or two people to serve on the grand jury, depending on how many judges there were. So we had pretty much a blue-ribbon jury. We got that changed, and I think that was the right thing to do. I'm not absolutely sure yet. We now have a greater mixture. We have more minorities on the grand jury--we have a lot of people who would never have had a chance to serve before.

Also, by the way, by putting the jurors through the computer system, we avoided something else that had been happening. Again, maybe it wasn't bad--certainly it wasn't disastrous--but we had a couple of judges who thought that the older people in their area who needed a little extra money would make good jurors. So these judges would just insert their names on the juror list. These older people could pick up their fifteen dollars a day or whatever the pay was at that time for serving on a jury. But the point was that they weren't randomly-selected jurors. I don't believe any judge ever did it for this

reason, but it would give a judge a chance to put a biased juror on the list. Now they can't do that.

MR: Well, sure, and it wasn't very representative of the community, either.

DA: No, it would only be representative of the old people like me.

MR: What percentage of a chief justice's time is spent on court administration?

DA: More than fifty percent.

MR: Is that right?

DA: Yes. It's just a constant stream of things. The bar, of course, takes a lot of time, not the bar in and of itself, but the appointments of people to be on bar committees. The bar association really affects all lawyers eventually, but it directly affects the eighty percent who belong to the bar. In order to involve all the bar members, the Court has to make the appointments. Instead of having the bar run CLE, the Court has to run it.

Those committees seem to be endless. I don't have my list here. Also, each justice is a representative or liaison officer with one or more judicial districts. You could spend all of your time being involved with those sorts of things.

Well, in addition to that, there are the various organizations that are supportive of the courts--the League of Women Voters, you name it--and you have to spend some time with them. I know there were many days when my entire day from morning to late at night would be involved in organizational things. I'm going to give you one of those Court diaries to read. You can tell from the nature of things that come in that it's just always something, another log in the fire. In fact, the law provides that the chief justice may be relieved of his decision writing duties if he wants to be, so that he can spend his time on administration. I never did that, but I must admit there were times I was tempted.

Something else just came to mind last night. I tried to have sentencing guidelines established in Hennepin County long before it was done at the state level. It really couldn't be done on a county basis, because you had to have some control, some clout, in order to do it. A chief judge in a district doesn't have that clout. So when the sentencing guidelines commission was formed, I was put on the commission.

When I came over here on the Court, I was assigned most of those guidelines cases to write. When I became chief, I had practically all of them to write. What we've done is to develop a new common law of sentencing in Minnesota. That common law of sentencing is based upon the guidelines. I, as a person who helped draft the guidelines, know the theory behind them and what the end results were expected to be. So I handled those cases. I don't know how many I wrote decisions based upon them--there were a lot.

As a result of that, there was and still is a large demand for me to go to other states-- South Carolina, Washington, Arizona, Florida, North Carolina, Washington, D.C. A lot of other states are working towards developing guidelines. They think we really have something here, and we do. The problem is that the guidelines are one of the most misunderstood concepts in law. If the people understood them, they'd support them completely.

Some people complain that, "The guidelines give criminals a minor sentence." But they don't do that at all. All the guidelines do is to take the sentences that are prescribed by the legislature and determine how they should be handled uniformly. Knowing what the sentences are and having the computer equipment we have now, we're able to determine what would happen if, let's say, the sentence for burglary is doubled. We will know how many jail cells that's going to require over a period of years, how much change it will require. The legislature did this in changing some of the sentences during the last session. Because of the changes, the legislators added a new 500-bed facility. That's really what the guidelines are for. They are a planning tool, a uniformity tool, a fairness tool, and a truth tool. But as someone once said, "I think your guidelines are a platform from which demagogues can harangue." I think that's sometimes true.

We're having a meeting this noon on the guidelines because they are in trouble. People haven't been taught or really been told what the guidelines do. We have to find a way to get before the public on that issue.

MR: I find that interesting--that the guidelines serve as a platform from which people can complain. It does seem that a lot of people vent their frustration about the judicial system and about criminal justice with the guidelines.

DA: Yes, because they think the guidelines are what create sentences. That's not true. The legislature creates the sentences, and the guidelines implement the sentences and try to assure that people with similar backgrounds who have done something similar are going to have approximately the same sort of punishment.

MR: This leads to another question I have, which is: do people really understand the judicial system? It seems to me that there is a lot of confusion about the system and what it can do.

DA: There is a lot of confusion about the system. People don't understand it. People don't want to go into a courtroom and watch a trial. That's one of the reasons that I support the use of television in the courtroom. If you're not going to get the people there, let's give it to them on their little boxes at home.

I think of something that Mack Fredin, who was the president of the Minnesota state bar, said, "Even the flies buzz an octave lower when they fly into the courtroom."

I think that's true. I know when I've been overseas, I feel a little worried when I go into the courtroom. I don't know why, but that feeling is there. I think that's why people don't go there to watch. They don't spend time learning. The television programs that they put on about courtrooms, of course, are all fantasy. Not all, but ninety-nine percent of them are.

MR: It seems as if the public understands what the legislature does and what the governor does, but the judiciary is still shrouded in mystery.

DA: There's a television company that put on--I don't know if you've seen this legislative educational film that has been developed. It's just absolutely great. In fact, I've got to call Judy Rehack. Judy is going to help raise some money so we can make a film on the court system along that line. It won't be as elaborate as the legislative one, but it will be an educational film.

The film company has a foundation which, if the film is any good, will provide cassettes to every school in the state. So that will help some. It's a good thing you brought that up, because I promised to get hold of Judy.

One of my problems now is that I have this new office over in Minneapolis. I've been operating a little bit out of here, a little bit out of my new office, but the problem with the new office is I haven't had any furniture. I've got a table and a chair. My new furniture is coming. It will be there today. So when I get back over to Minneapolis, it will be there. That's going to be a help. From now on, I'll be able to centralize my work a little bit better.

One of the things I chair nationally is the judicial administration committee of the ABA. We're rewriting the standards of court organization. This earlier summer we finished our draft, got it out to all of the chief justices and bar associations and all kinds of groups, and then got their comments back. Two weeks ago we had a three-day meeting and got it in final form, and I go before the judicial administration division the first week in November to present it and see if we can get it through. Then we have an application to the State Justice Institute for money to rewrite the standards for trial courts. That will be a two-year project. Rewriting the standards for appellate courts is another two-year project.

The committee that is really taking time now is my chairing of a committee on the authorization or the withholding of life-support treatment for the Chief Justice Conference and the National Center for State Courts. We realized that with our group alone, we couldn't do the job--we needed to involve more disciplines. So we went to the State Justice Institute and got \$193,000 for a two-year multi-disciplinary group to develop standards for trial courts to use when these cases come before them.

We have a tremendous committee. Most of the members are nationally known leaders in their respective disciplines. We start our first meetings in January. We'll have four meetings each of two years. Everybody is contributing their time. We get our expenses

paid, but our time is donated. At the end of the study, we hope to have twenty-five to fifty principles or standards for trial courts to use. These life-support cases are going to be before the courts by the hundreds. We can keep people alive indefinitely if we don't have some standards to help solve the thousands of questions which arise from these cases. Without these standards, we will have chaos.

This coming spring, there will be a story. A nurse who has been under a life support system in a Washington, D.C. hospital for more than forty years will be setting a record for life-support in March. It costs a fortune to keep her there in the hospital. Because of the bureaucracy of the government and because she was a government nurse, they have kept her there in the intensive care unit at tremendous cost. Her only living relative, her brother, has been trying to get her into a rest home, and he hasn't been able to get through the red tape. So that committee takes a lot of my time.

Another committee I work with nationally is the sentencing committee of the ABA. They're rewriting a lot of the sentencing codes and so forth. That takes time. The trouble is the days are too short, the months are too short--there are not enough hours.

MR: You mentioned medical ethics and the life-support question. Where do you see areas into which the law will expand?

DA: Well, the laws are going to expand because the number of cases is expanding. As medical technology increases, there are going to be more and more of these type of problems. Think of the Harvard mouse--gene splicing. Harvard has developed a mouse that is genetically set up for experimentation. They patented that mouse. Now, what is to prevent you or me from splicing genes? We can someday have any kind of human being we want--tall, short, red-headed, green, whatever we want. I'm going to make myself a Marilyn Monroe and patent it. Who do you want? Gregory Peck? [Laughter] Those sorts of things are coming before the courts.

The ethics of it are really impossible. I think the Lord himself would have trouble sorting out some of these things. There has been a lot of work in the field lately. I just got a new book on this from a professor at Iowa whose name I can't recall--a fascinating book.

Of course, in Minnesota, we have Dr. [Ronald] Cranford, who is probably the leading man involved in this issue in the entire world. By the way, he will be on my committee in a little different capacity. Because I was limited to twelve people, I also have people who will work on the committee without having their expenses reimbursed. They will contribute their time and their expenses and everything. Dr. Cranford is one of them. He'll be an advisor to the committee. So, really, I'm getting some extra talented people without any expense.

MR: I understand that you have a great concern over legal ethics. Can you talk a little about that and why that's been a concern of yours?

DA: It's been a concern for a very simple reason. To be a lawyer in the true sense of the word, you have to be ethical. Every time a snake comes along, it hurts the profession. When it hurts the profession, I think it hurts democracy. It used to be that when there were a few lawyers, they all knew each other. Their word was good, and their handshake was as good as a notarized statement. It seems to me that as we have gotten more and more lawyers and more and more types of cases coming up before the courts, more and more rules, more and more everything, that lawyers are getting away from that. It's becoming a dog-eat-dog environment, and the only way we can do much about that is to try to restrain the dogs. The only way you can restrain them is with legal ethics.

I think in the state of Minnesota, we probably have the best lawyer's professional responsibility group of any state anywhere. We had a lot of problems with it for a while, but now among the board, the attorneys, the staff, there is a high @MDUL\_ esprit @MDUL\_ de @MDUL\_ corps. They are working together, getting out into the communities, writing articles, making speeches, letting lawyers know how certain things should be done such as bookkeeping. It's been marvelous. It's been very heartwarming, very encouraging.

MR: This all ties in with continuing legal education then, too.

DA: We were the first state to have continuing education. I don't know if I told you the interesting story about that. The lawyers didn't care too much for that legal education rule that the Supreme Court came out with. But sometimes it takes a very small thing to turn everybody around. Chief Justice Sheran went down to Chicago and spoke on some legal issue to the Chicago Bar Association. He came back here and applied for CLE credit for that speech and its preparation, which if the speech had been done here, he would have received. Doug Heidenreich, who was then the director of CLE, turned him down. The lawyers always thought that was funnier than heck. Then they quit harping about CLE credits.

One of the problems with the CLE program was that they just weren't giving enough emphasis on legal ethics. They are now doing that. To have a course on legal ethics by itself may be fine, but it's much better if it can be taught as a part of a continuing legal education department. Every specialty has some nuances in the ethics department, and a lawyer can learn it much better there than he or she can by having a separate course.

MR: That also seems to lead into the question of the training of attorneys today. Have you seen changes since the time you went to law school?

DA: The training, I think, is much, much better. I'm not sure it's much better in every respect. I'm sure that in some ways, it's much better. I think the educational theory of the law is being taught to a greater extent than before. I believe that for students who determine early on that they wish to be--for instance, a litigator--they're able to select courses at law school that specialize and lead them toward that. You used to be unable to do that. The courses just weren't available. The schools would have court programs, but

they were just minor compared with what they have now. Also, the attorneys who now are the law student graduates, I think, are much more rounded than we were in my generation.

The law school I went to in Minneapolis was strictly practical. The school didn't worry about theory. As a result, the professors were teaching things of today and not really teaching anybody to think about how to make things better tomorrow. It's kind of like teaching you how to walk up stairs and never giving you a chance to think about building an escalator or an elevator.

One of our problems now, of course, is that the law schools are churning out new lawyers by the hundreds. So each year there's a greater number of lawyers and a greater difficulty to make a living in the practice. As a net result, some of those who would have been highly ethical, no-problem people--because they're trying to make a living at the same time they're practicing law, and they're not making the living out of the law--are getting mixed up in some things they shouldn't be doing. I was going to say out of necessity. That's not right. It's not necessary, but it certainly is very tempting and almost compelling.

MR: Do you think the current surplus of lawyers is leading to a society that tends to litigate more than to mediate?

DA: Again, yes and no. Like most things, it's a gray area. Is there a surplus of lawyers? Lawyers as lawyers, yes. Lawyers as business people and everything else, no. I don't know whether the greater number of lawyers is causing more litigation or whether more litigation is bringing about a greater number of lawyers. I'm still convinced that programs like MDUL L.A. MDUL Law attract a great number of people into the profession.

I also think that lawyers have so many diverse interests now. It used to be that a lawyer was a lawyer--he appeared in court, he was on the church board, he was on the town council and that sort of thing. But now there are all kinds of things for lawyers to be interested in. As a net result, they spend less time in their own professional group. Well, since they spend less time in their own professional group, there's a lesser tie among them. I'm not exactly sure where that leads except that I do know it leads to less professionalism.

MR: Because they spend less time together?

DA: That's right. It seems to me that lawyers very rarely had a nine to five occupation. Some of them did, of course, but most of them worked long, long hours. Nowadays, the employee lawyers are very actively seeking their time off, their benefits, and all those sort of things like everybody else does in every other profession. But to me, it demeans the profession just a little bit--maybe more than a little bit.

If there is a surplus of lawyers, and if that surplus causes more legal actions, that surplus is also causing the legal actions to be decided outside of the court system with your various alternative dispute resolution systems. In fact, in the volume that we have just finished on the standards of court organization, this is the first time that an alternative dispute resolution system has been discussed in any chapter in that type of book.

As a retired judge, for instance, I am literally besieged with requests to handle things outside of the court system. At first, before I went with the firm I'm with now, I had lots of requests to handle matters as a sitting judge. Of course, when I went with the firm, that activity was terminated, and I knew that. But arbitrations, mediations, that sort of thing are continuing and continuing in large numbers. There are more and more systems set up to adjudicate and to resolve. There are probably hundreds of them throughout the country. Many of them are national and advertise to the lawyers and to the ordinary person, "Why don't you take your case to a mediator?" Or, "Why don't you take it to an arbitrator? Stay out of the court system." Or, "If you're in the court system, ask the judge to send it out to one of these people."

More and more cases are being handled that way. I think it's cheaper for the individuals. It's certainly a faster way to handle things. In mediation particularly, the people who are involved make their own decisions. Sure, they get some help from the mediator who brings them together and talks about their bad points and their good points and so forth. But the decision belongs to the litigants, if that's the proper word to use.

MR: So you're a supporter of those types of systems?

DA: Yes, absolutely. I think that without those systems that our court system is going to collapse of its own weight.

MR: It's a safety valve, then, in a sense?

DA: Yes.

MR: When I spoke with Justice Scott, he mentioned to me that even as a very young man, he was concerned over inequities. That was one of things that compelled him to be a judge, and it was part of his judicial philosophy, as it were. Was there a guiding principle or a judicial philosophy that you were especially concerned about?

DA: I can't think of any in particular. It seems to me that there are so many factors involved that to say that one was more important than another would be wrong. Certainly, some of them are more important at particular times--those things that you're working on to get done so you can move on to something else. But I've always believed that the judicial system was synonymous with fairness. Sure, there are mistakes made and certainly injustices, but it's the best system we've found yet. We'd like to make it better, and we do many things to try to make it better, but it's never going to be perfect.

But you're right about George. George had an intense interest in the little fellow, the person who from economic circumstances or physical problems or mental problems had more trouble getting along in the world. George was on his side of the fence.

MR: One thing that people outside the Supreme Court wonder about is the interaction among the justices when they talk about cases. What are your recollections of that experience?

DA: Well, you get a flavor of each other's philosophy after a while. Sometimes you know what a justice is going to say in regard with a particular problem. But before I came up to the Court and took part in that sort of a discussion, I didn't believe in that conference system as strongly as I did after I got here and did take part in it. I think that all points of view get a going-over in a good conference of the justices. I was a little concerned when, as part of our bargain with the legislature for the Court of Appeals, we agreed to go from nine to seven justices. I wondered if by losing two of the justices, we might be leaving something out of our mishmash at the end, when everybody's talking about everything and about all the points in the case. That worry was kind of dispelled because most courts have seven justices. Also, it was totally dispelled when we got back into arguing with the seven of us. I don't think there was anything left out. I wouldn't want to go below seven as the number of justices, but I wouldn't care to go above it either. I think that's about the perfect number.

The best thing about the system here is that we would go into our conference room with our divergent views on how this case should be decided, what routes should be taken, what laws should be used, amended, changed, kept as they are, and so forth. Sometimes the discussions got a little heated, but never did the heat of any of those arguments go beyond the door of the conference room when we left. It was a very interesting experience and a very pleasant one, by the way.

MR: Is that due to the personalities involved, or to the feeling of tradition that you know that once you open that door there's a certain...

DA: ...I think the tradition is a part of it, but I think there's a realization that what we do one day must not be affected by exchanges between judges that occurred the day before or might occur the day after. Each one of these things is connected, but it's also very separate. It's connected in the law, in reasoning, in precedent--but they are connected in no way with the arguments that the judges make among themselves at a conference.

MR: Are there some cases over the years that are especially memorable to you as being important or difficult?

DA: Well, some of them. In trial court or Supreme Court?

MR: Either one or both.

DA: I think probably the most difficult case I ever tried was in district court. This was the Frank Molton election case in Minneapolis. Up to that time, the Minneapolis city council did much of its work in secret. In fact, I can remember after my opinion came out, one of the cartoons showed just a black thing with a hand going up toward a light switch, and it says, "Well, boys, we've got it all decided. Let's turn on the light."

That case was a very difficult one, because Frank Molton was probably the best-entrenched politician who ever hit the city of Minneapolis, and he won an election, in effect, by some questionable tactics. It was a case that nobody wanted, and I think it was because I was new that I got stuck with it. But it taught me an awful lot. It was a very memorable case.

I think probably the Mikulanio murder case is another one that will long stay with me. She was the lady, you may remember, who killed the new wife of a fellow she thought was her boyfriend and painted on the outside walls, "More will be coming." She is still in a mental institution. That was the first case in Minnesota that the jury bifurcated the commission of the act from the mental condition of the defendant. They found that she committed the act, all right, and then the jury also found that she was mentally incompetent at the time she did it. That surprised me. But I'll be surprised every once in a while.

There were a lot of cases that, I suppose, stay in the mind. One of the difficult things in coming to an appellate court and especially the Supreme Court is that in the trial court, you try the case, make the decision, wait for the post-trial motions, decide those, and then wipe it out of your mind and start the new case. You've got so many of cases coming in that you can't keep track of them mentally, so you don't even try. In fact, you put the cases out of your mind.

Now, you come up here to the Supreme Court, you can't do that anymore. You have to keep that case in mind for this reason. Say that I write an opinion. I send it out and maybe somebody along the line dissents. So perhaps in three months--in fact, it used to be a lot longer before we got the case load cut down--that case comes back to you. If you had put it out of your mind and the case comes back, you really have to learn about it all over again. So that change was hard to learn.

The hardest thing of all to learn was this. I tried a lot of cases, and I think most of the people here who are on the Court also tried a lot. When you first go on the bench, you have your ideas about how cases should be tried. It's pretty hard. You'd like to get down on the floor and say, "Hey, you dumb cuss. Do it this way. Do this. Do that." Well, you can't do that. So after twenty years or more of restraining yourself, you're psychologically automatically restrained. You sit down on the bench and you're restrained.

Then you come over here to the Supreme Court where, once again, you have to be an advocate for a position. It's very, very difficult to become an advocate after you've been

sitting as an arbitrator or as a sponge soaking things up for a long time. I had a dickens of a time with that.

Now as far as memorable cases on the Supreme Court are concerned, there are probably half a dozen of them. Some of the guidelines cases were the most troublesome. The guidelines were new. We had to educate the public on them. Some of them caused a lot of heat.

The one that caused the most problems was the Partlow case. The problem there developed from a headline in a Sunday paper. It was not a case, as we considered it, of rape, but the headline said, "Supreme Court Reduces Sentence of Rapist of Three-Year-Old Girl." Well, practically nobody reads beyond the headlines. It was probably a good thing that that case came up when it did, but, oh, it was hard for a while. I went on television talk programs. I talked to hundreds of citizens. I had telephone calls, letters. I answered every letter. I talked to everybody who came in and on the telephone. I did all kinds of things to explain to people why we decided the case as we did. Interestingly enough, I think that more than ninety percent of the people who were excited about that issue and angry about it came over to our side of the fence in the long run.

As [Police] Chief [William] McCutcheon, who as a legislator had been a chief proponent of guidelines, later said, "Amdahl took on the most difficult of tasks, but it saved the guidelines." I think that's right.

The cases here that involve the most difficult decisions are the ones concerned with constitutionality of one kind or the other. That's to be expected because the justices all see the words of the constitution a little bit differently. The way we were raised, where we went to school, all has some influence on how we thought the constitution brought something about. We tended to look at the result, it seems to me, or what we thought the constitution should have said, before actually going back to the constitution and seeing if it said something different. Generally, if we had a four-to-three decision, it was on a constitutional question.

I think the six-person jury was probably the last one of those issues that I decided. I was satisfied that the six-person jury was constitutional. Four of the judges were not satisfied that the six-person was constitutional. So as soon as that case was filed, knowing my fellow justices, I called a couple of leading legislators in the House and Senate, and said, "We got that case up here. It can go either way. I don't know what's going to happen. But I would suggest to you that you be ready in case it should be declared unconstitutional, because you've got new court houses that have the jury boxes only set up to this size. You have all kinds of things that are set up for six-person juries. The economics of the thing are tremendous."

They did have legislation ready to go to put the matter on the ballot if the case came out that six-person juries were unconstitutional. The case did come out that way, and then the people voted to amend the constitution to make them legal.

I suppose the importance of cases is really not for us to judge. Forty, fifty, 100 years down the road, what little pebble in the road might have turned some vehicle a different way? It takes a lot of pebbles sometimes to do something. Which is the most important pebble? We'll never know.

MR: You mentioned earlier the role of the media. I know sometimes it can shed a lot of heat when you're a district judge, as well as when you are on the Supreme Court.

DA: The media can create all kinds of problems. I am completely satisfied that if the judges and justices will talk to the media and explain why things were done, usually you don't have a problem, although you're always getting surprised in some way because something can be taken out of context. I don't think it's so much the media taking the time--I think it's up to the judges to take the time. The judges should be available to talk. We can't talk about how we reached a decision; the decision speaks for itself. But we can talk about the decision--what it does and so forth.

One of the problems has been that we will release the cases so that the attorneys and the parties have them on Thursday. The media can also pick them up, but the reporters can't publish the decision until midnight on Friday. They can't talk to the parties involved or the justices before then. So the reporters have this opinion in their hands, and a lot of questions can come out of it, but they have nobody they can talk to. So sometimes, with a very small window, they have to get information before publication time. The reporters won't have a great deal of time to write a full article. So they put in just parts of things, and that sometimes causes a lot of problems.

I think that anybody who comes on the bench has to realize that they are living in a fishbowl. They might as well accept that and do the best they can to swim right-side up.

I found the press was very helpful on issue of establishing the Court of Appeals. They were helpful on the issue of court unification. They were helpful on the issue of the new building. I went to the editorial boards on those issues--talked to them, told them what we were trying to do and how we were trying to do it. If they had any questions, they were invited to call me. I met with reporters, and as we went along, each time we hit a milestone, I tried to talk with them again, so that they wouldn't be surprised at something that came out later. I think it paid off in great measure.

MR: So it pays to have a working relationship?

DA: That's right. You can't hide anything, so why try it? Don't lie to the press. If something went wrong, tell them it went wrong. "Here we are. We're stuck with this. There's no ducking it. We're responsible, period. Let's move on to the next one." Now, of course, we have a court information officer, Rebecca Fanning, who is just excellent.

MR: What are your views on the process of judicial appointment?

DA: I don't like the system where a governor appoints a judge without a screening process. It should be that when people are nominated for judicial positions, they should go through a screening process with a group of qualified people--whether it's lawyers, judges, administrators, common citizens, whomever it might be. This group could look at a person's past record, his interests, what he has done in his community and in the law. The group would then choose three names to be passed onto to the governor, and then the governor would pick one of those three. If they couldn't settle on three names, we would start the process over.

The problem cited with this system doesn't have to arise. People claim that with this type of process, you are going to end up with all white-collar judges. Well, that would be true if the screening group is all white-collar people. But why do we have to have all white-collar people in the selection group? We can get some working people in there. We can get minorities. We can get anybody on that group.

The governor has received a lot of flack on his appointments, and maybe he had some coming on some of the appointments. But by the same token, the governor has put in a lot of people who under the old way of doing things wouldn't be there--women, minorities, and so forth.

Two things come to mind. One is that the complaints about some of the appointees are not complaints about the appointee as a person or maybe even as a judge. The complaints are about the fact that this person is new and doesn't know how to be a judge yet. That causes problems, too. But if we train them and give them some time, and then they know how to be a judge, they'll do just fine.

Some philosopher one time was asked a question, "Does being appointed a judge make a better person out of that person who was appointed?"

The philosopher said, "If he or she was any good in the first place, it does."

Most of them are very good in the first place. So in the long run, they turn out well as judges. But I still would rather see a better system than we're exercising now.

MR: So you're sympathetic somewhat with the governor's aims, but you'd like to see a screening process?

DA: That's right. I would like to see an opportunity for, let's say, under this regime, an excellent Republican candidate with all the qualifications to have a chance to be appointed to the bench. That's simply not possible now. [Governor] Al Quie appointed some Democrats and so forth, but I haven't noticed any good Republicans appointed by [Governor Rudy] Perpich.

By the way, the Democrats that Al Quie appointed were excellent, and I think that he caught some flak from his own party for appointing people from the other party. But he was interested in building the best judiciary that he could, not so much in building the strongest Republican party he could.

MR: One question that has affected the Court over the years has been the issue of a mandatory retirement age. Several of the justices will be leaving the Court in the coming years because they will reach the mandatory retirement age of seventy. What are your thoughts about that?

DA: I wrote that decision that said that judges must retire at seventy. It was perfect for me to do it because I was the next one to become seventy. I think it's a good idea. I think that if it hadn't been necessary for me to retire at seventy, I would have retired at any rate about that time. We need change. I find myself, and I'm sure the others are that way, too--that we're a little bit harder to convince that change is better as we get older. I'd rather have new people in with new ideas about new things--technical issues and other things--who can do a better job.

When you get older, you get tired much more easily and you're less thrilled by new things that come along. You're tempted to say, "No," instead of saying, "Well, let's take a look at it and see what it is." So I'm a strong believer in retirement at seventy, at some age, anyway.

In fact, that's the reason we have this provision in our law. We had a lot of judges at one time who were old and decrepit and not doing their job, but the people kept reelecting them because they really didn't know what the judges were doing. There are some cases now that will be tried under the federal provision that says that people can no longer be required to retire at seventy except for elected people. So appointed judges can stay on as long as they want, but elected judges have to leave at seventy. That's being challenged, and I don't know what will happen to that one. I also think that if the justices here that are approaching seventy do retire at seventy, they're going to find out that life is a lot more fun than they thought. I'm enjoying it.

MR: There is life beyond the Supreme Court.

DA: There sure is. You're back with people again, and it's just wonderful. Like this noon, when I went over to the Athletic Club and had lunch. There was a roundtable over there--I suppose the table could seat ten or twelve. It was a lawyers' table, and it was just a joy to be there, to talk about things.

That's something else--a lot of the members are about my age--I think half of them are my age or so--but they're not talking about the past. They're talking about what's happening today and the new things that will come up tomorrow. So it's nice to be back with people.

MR: And to lose that isolating effect that we talked about--from being on the Court.

DA: Yes. Oh, yes, this is a very isolating place up here, not so much for the chief justice, but much more for the associate justices. The chief is always involved in everything because every organization in town wants him there, and he has to create relationships with legislators and administrators of all kinds of groups. So he's there for that purpose, but the associate justices don't get that opportunity so much.

MR: The murder case you mentioned brings up the issue of the M'Naghten law. The Court recently has suggested to the legislature that maybe it's time to revise that rule. What do you think about that?

DA: I think the M'Naghten Rule is just fine. If they can come up with a better rule, fine. But I haven't seen it yet. Every time that issue of the rule reaches the papers, it's because some person who is being tried for some crime can do better under some other rule. So the defense counsel hits the papers with that sort of thing, whether it's that Rochester case [of David Brom] or any other case.

It would be better, I think, if the legislature would start considering whether they want a change in the rule. Let's go to the criminal rules committee and say, "Let's consider this." They have done that, by the way, in Minnesota, but they've always come out the same door they went in. M'Naghten suits the situation as well as anything can. No, I don't believe in change for change's sake. If they can show me that something is better for everybody, not just for a particular defendant, then I'll buy it. But I'm not going to do it otherwise.

MR: My research indicates that one of your concerns was about the open meeting law. Can you talk a little bit about that?

DA: Well, I think the first case on open meeting law was that election case I talked about earlier. The open meeting law is necessary, but it also must be limited. Some people say, "Well, you're protecting yourself. You don't let people in on your judicial conferences." Well, that's very true, we don't, and I still don't think we should.

But if I'm a member of a school board or something else or if I'm spending the public money, I think that the public should be entitled to sit there and listen to all sides of the case as we fight about what we're going to do. As far as the Supreme Court, we're not an administrative group. We are a judicial group. The open meeting law is a necessary ingredient to good government. It's like the press. If you didn't have it, Lord help us. Sometimes the press goes beyond the bounds that they should stop at, but we all do that. I'd rather have them go beyond the bounds once in awhile than not do anything at all.

MR: As a chief justice, you've had to work quite a bit with the Minnesota Bar Association and the national bar association on various committees. What do you think the role of those types of associations is in terms of law and in terms of the judicial system?

DA: Their role, really, is the improvement of the judicial system and the improvement of the lawyer as an individual lawyer. I guess that maybe sums it up.

I'm convinced that most of the people who are active in the bar association are donating an awful lot of their time and money, not for their personal aggrandizement, but to help in the way that legal services are rendered--to make it possible for more people who can't afford lawyers to get to court to have their causes heard. A tremendous amount of legal time is contributed to indigents because of the bar association. We have better judges because of the bar association. We have better lawyers because of the bar association. We have better controls over lawyers because of the bar association. I'm talking about controls--the continuing legal education to make them better lawyers, the legal specialization to make people aware that there are lawyers who specialize in particular areas, the rules over how lawyers handle their clients' money--those sorts of things. Without the bar association, it would be pretty bad, because there would be no controls.

MR: Do you see lawyers as having an obligation to serve those kind of roles, a larger societal obligation?

DA: Yes. There's a big debate on now. I don't remember what state, but some bar association is trying to get through a rule that every lawyer will donate so many hours to the indigent. People are pretty well divided on that issue in the bar association. I think that if we are to preserve the way our political system and our legal system exists, that has to be done. We can't have thousands of people out there who have a right to be in a court but who can't get there. If they can't afford it, somebody has to provide that service, whether it's the taxpayers or the individual lawyers.

MR: So you favor a mandatory requirement?

DA: I favor either a mandatory requirement of giving time or donating of the equivalent amount of money to, say, the Legal Aid Society so those services can be provided through hired lawyers. I was trying to think of what Jack Pope, the former chief justice in Texas, said. He was yelling about people complaining about too many cases ending up in court. He said, "They should be complaining about something else. There are not enough cases in court. When there are thousands of people who have legal rights that they can't exercise, then it's time that we have more cases in court, and those are the cases that should be there." And I agree with that.

Now you're going to ask me how we can put any more cases in an overburdened court system. We're going to settle more of them through the alternative dispute resolution routes.

MR: You worked extensively with chief justices from other states. Do you find a great deal of similarity between their systems, as well as similar problems?

DA: Most of the state judiciaries have the same type of problems. One of the things that has always amazed me is how on most things, change starts on one coast or another and eventually comes to the middle of the country. So we in Minnesota have more time to prepare for change, and we can do a better job because we've seen the mistakes that have been done elsewhere. In legal matters, Minnesota has been a leader. Many of the things that have gone on throughout the country has started here in Minnesota. The problems of the lawyers, of the judges, are pretty much the same overall in every jurisdiction. The people are the same, and I guess people's problems are the same, so they bring them to court.

About the only differences I can see are that some of the states have problems such as that of capital punishment. Some of the states have great funding problems because of the way the courts are funded, and they are not put together right. But on most of the basic things that make the system run, the problems are the same.

MR: Have you found it a useful experience, though, to be in contact with other chief justices?

DA: Oh, very much so. I've made a lot of lifetime friends out of that experience. Everybody can contribute something to the answers for a problem. I wasn't so enthusiastic about the formal meetings of the group, although some of the programs were very good. But I learned a lot and I think maybe I taught a lot, too, when we sat around in informal groups and social gatherings to discuss things.

That's what is so great about the National College of the State Judiciary. We in Minnesota tend to be pretty parochial in our views because we haven't talked with anybody else. We haven't seen anybody else handle these problems. When you sit down with a bunch of judges from other states, many of whom are fifty years behind us in the way they do things, it's very enlightening. It gives you pride in your own system. It also gives you better ways of doing things in your own state. Even if the other states are way behind, they have some things they are doing better than we're doing them.

MR: You've been in contact with a great number of legal personalities over the year-- Justice Scott, Justice Sheran. Are there some that really stand out in your mind?

DA: Oh, I guess there's a lot of them who stand out in my mind. I guess maybe I shouldn't mention any names. There are a few lawyers and some judges who are really greats. I'm going to stop right there. [Laughter]

MR: Because that leaves the ones who aren't so great.

DA: That's right. Actually that, and I think nothing would be added by me giving them an extra pat on the back because many of them are gone, anyway. The profession realizes who they are, and I wouldn't want to hurt somebody whose family thinks he was the greatest by not mentioning him.

MR: What do you think makes a good chief justice?

DA: I'm not even sure what a good chief justice is. The quality that you're going to want in a chief justice is the ability to get along with people of every kind--the rich, the poor, the famous, the unknown, the educated, the non-educated, the legislators, the governors, the press. I think you need somebody who has been around enough in his or her lifetime to have a feeling that everybody deserves help of some kind. You need somebody who has enough legal training to have a basic feeling for the law. You need somebody who believes that the end of the law must be fairness. There's a great deal of difference between justice and fairness, I think. You need somebody who can roll with the punches. You need somebody who can make a quick decision when a quick decision is necessary and who has earned enough respect from his or her fellow judges so that they will act immediately.

I'll give you an example. About 11:00 one night, I got a call that the state was going to spray the bees the next morning. By about 12:30 that night, all of the justices met over at the University to make a decision on whether or not the bee spraying would go ahead. We had open telephone lines to the parties and so forth. Nobody complained; they just came. We didn't have time for complaining. You have to be a very hard worker on the Supreme Court. I mean a hard worker in the sense that your day doesn't end when you leave the Capitol. Your day sometimes just about starts when you leave the Capitol.

You have to be a person who will listen to the problems of your fellow justices and accept them where absolutely necessary--to keep them to yourself and to try to help them solve them, but not go out and broadcast them. You have to be willing to take an occasional slight by some disgruntled person and kind of laugh it off. I guess what you need, in the end, is a legally-educated human being.

MR: You've had some time since your retirement. In conclusion, are there any final reflections on your career? How would you like your term as chief justice assessed?

DA: I guess if somebody said I played it straight, that's all I care about. It's very humbling at the end of a legal career like this to read the mail that comes in. In fact, I just got a letter this morning after all this time. Ordinarily, during the period you're a chief justice or even just a judge, a good number of your telephone calls and mail is somebody complaining about something. At the end of your career, you get very few complaints, and people write nice things about you. But it's nice to get those letters. Am I trying to draft my epitaph? [Laughter]

MR: It doesn't have to fit on a tombstone.

DA: "He played it straight."

MR: Thank you, Chief Justice Amdahl.