

A Conversation with
Retired Judge Lindsay G. Arthur

Sponsored by
The Minnesota Juvenile Court
Centenary Planning Committee

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1 JUDGE REILLY: This videotaped interview is
2 being done as part of the Juvenile Centenary
3 Celebration sponsored by the Minnesota Supreme Court
4 and it is our pleasure to have Judge Lindsay Arthur
5 here, retired from the Hennepin County bench, but
6 someone who anyone -- everyone thinks is really the
7 grandfather of Juvenile Court in Hennepin County.

8 JUDGE ARTHUR: Could I just be father?

9 JUDGE REILLY: Do you just want to be the
10 father? Okay.

11 JUDGE ARTHUR: Yes.

12 JUDGE REILLY: Just the father. And I'm
13 Denise Reilly. I'm a Judge in Hennepin County and I
14 was in Juvenile Court for only seven and a half years.
15 And with me is John Stuart, who is a state Chief
16 Public Defender.

17 And so, Judge Arthur, just tell us a little
18 bit about what you did before you became a Judge.

19 JUDGE ARTHUR: Well, I was a lawyer in
20 private practice doing mostly litigation and we were a
21 small firm of three of us. We specialized in whatever
22 came in the front door and we made a living at it but
23 I always wanted to be on the court. I even dreamed of
24 being a Judge back in the Navy days and so the
25 opportunity came along. I had become an alderman in

1 Minneapolis which got the publicity necessary and we
2 took a bar poll and I won the bar poll and C. Elmer
3 Anderson was intelligent enough to appoint me --

4 JUDGE REILLY: To the Municipal Court.

5 JUDGE ARTHUR: -- and he lost his next
6 election.

7 JUDGE REILLY: But then you were appointed
8 again by another Andersen.

9 JUDGE ARTHUR: Yeah, by Elmer L. Andersen
10 and that was quite an experience. I was called over
11 to meet the Governor, which is the usual preliminary
12 before appointment. So I sat down in his office. He
13 was very gracious and very pleasant. He said, I just
14 called you over here to tell you I'm not going to
15 appoint you. I have another man in mind. Well, he
16 said, What do you think? And I said, I don't like it.
17 And I said, We had a bar poll and I said I don't know
18 who you have in mind but I suspect, but in the bar
19 poll there was seven of us and I got 85% of the total
20 vote and I don't think the lawyers would be happy with
21 anyone else, and on that note we parted. And three
22 days later his secretary called my court reporter in
23 Municipal, said, Would you tell the Judge that he's
24 going to be appointed? There's no more Governor
25 visits or anything and he lost his next election too.

1 JUDGE REILLY: What year were you appointed
2 to Municipal Court?

3 JUDGE ARTHUR: '54.

4 JUDGE REILLY: And what year to District
5 Court?

6 JUDGE ARTHUR: '61.

7 MR. STUART: Did you ever have any thought
8 at that time that you would go to Juvenile Court and
9 how involved you would get with that?

10 JUDGE ARTHUR: Never heard of it. I didn't
11 know anything about it. You know, when I first came
12 into Municipal, I had no idea. I began to hear about
13 it. And when the opportunity came, I could give all
14 kinds of wonderful reasons why I wanted to be in the
15 Juvenile Court, you know, do something for kids and
16 all the rest of that. The fact was, I was tired of
17 Municipal Court and here was a vacancy. And then when
18 I got to Juvenile Court, I fell in love with it. You
19 must have had the same feeling.

20 JUDGE REILLY: I did.

21 JUDGE ARTHUR: Nobody ever leaves there
22 willingly I don't think.

23 JUDGE REILLY: I think it was much different
24 back when you first started in Juvenile Court.

25 JUDGE ARTHUR: It was. It was not a desired

1 position. In fact, that was one of my great powers.
2 When I needed something in my budget and the other
3 Judges would turn me down, I'd say if you keep on
4 turning me down I'm going to resign and one of you
5 will have to take Juvenile. I got my way.

6 JUDGE REILLY: Was it a separate courthouse
7 like it is now?

8 JUDGE ARTHUR: When I came aboard, no, we
9 were down in the basement of the old courthouse and we
10 had a magnificent paneled room with bathroom attached
11 but that was both chambers and courtroom. It was kind
12 of embarrassing occasionally to come out of the
13 bathroom and find a courtroom full of people.

14 MR. STUART: What was it that got you to
15 fall in love with Juvenile Court once you were there?

16 JUDGE ARTHUR: It was such a challenge to
17 see all these kids and to think every one of these I
18 can help if I can just find the right combination.
19 And the county was generous with resources so we did
20 have things to work with, more so I think than any
21 other county I ran into in the country. And because
22 of that we had a good Juvenile Court. We paid our
23 probation officers well enough there was no turnover.
24 And we didn't have to fuss with public defenders when
25 I began. Let's see, we had John Chapman was the

1 County Attorney and he would come down once a month
2 and take care of all the public defending we needed.
3 Doesn't work that way any more.

4 MR. STUART: No.

5 JUDGE ARTHUR: But then we got more and more
6 public defenders and I kept writing letters for Bill
7 Kennedy to get him promoted again or reenlisted and I
8 hope I had something to do with that. I thought Bill
9 was an outstanding lawyer. He had lots of enemies but
10 he was a good man.

11 JUDGE REILLY: When you went to Juvenile
12 Court, was it mostly delinquency or child protection
13 or?

14 JUDGE ARTHUR: Mostly delinquency. And not
15 too many serious crimes at that. We had -- welfare
16 cases would come in. We had a regular schedule and
17 they'd come in presented by a social worker who would
18 do all the objecting and so forth like that. We had
19 no lawyer on the other side. And I began to bring in
20 some of the due process that was absolutely missing.
21 At one point welfare asked for a meeting with me.
22 They came over. It must have been at least 20 of
23 them. There were all the chiefs of the Welfare
24 Department and they were not smiling and so I said,
25 Well, what's the purpose of the meeting? We want to

1 know why you're ruining this court. I said, What do
2 you mean, ruining it? Well, you're bringing all these
3 legalisms in. You're going to make this a legalistic
4 court. Well, I said, it's been a socialistic court.
5 We might as well start obeying the Constitution. And
6 when Gault came down, I had a feeling they'd come to
7 Hennepin County and look at it and say we'll copy that
8 because I'd been bringing due process in. I think
9 it's very desirable. I think it's very desirable in
10 these days too.

11 JUDGE REILLY: What types of due process did
12 you bring in?

13 JUDGE ARTHUR: Well, the first was to
14 require no hearsay evidence and --

15 MR. STUART: Good for you.

16 JUDGE ARTHUR: -- no basics. I mean, the
17 basics like that. And I got to looking around. I
18 recall no public defender at all. And I kept looking
19 around to find some way to get lawyers in and I could
20 appoint them. And, as I understand it, I had the
21 inherent power to require any lawyer to come in and
22 represent a case but they were not in love with that
23 idea at all. I did get some of my friends to come in.
24 They didn't know what was going on in Juvenile Court
25 anyway. I had to tell them what to do, which wasn't

1 good due process either.

2 MR. STUART: Especially if you're all in one
3 room. You can't take them back in the chambers and
4 coach them.

5 JUDGE ARTHUR: Well, sometimes in advance
6 you could tell them, now this is what's going to
7 happen and it's probably a good idea if you'll do
8 this.

9 MR. STUART: What year was that that you
10 first started in Juvenile Court?

11 JUDGE ARTHUR: '61.

12 MR. STUART: '61?

13 JUDGE ARTHUR: Yeah.

14 MR. STUART: What was the population of kids
15 like in terms of their socioeconomic background and
16 race and anything else you remember about the kids?

17 JUDGE ARTHUR: Probably pretty much the same
18 as today except they look nicer. Their mothers
19 usually would put a clean shirt on them.

20 MR. STUART: I have a feeling Juvenile Court
21 -- I was there all through the 1980's and it seemed to
22 me to be the place where if you wanted to see what
23 poverty was about in America, you could go to Juvenile
24 Court.

25 JUDGE ARTHUR: No problem.

1 MR. STUART: You could stand there and you
2 could just see the face of poverty. Was that the same
3 in '61?

4 JUDGE ARTHUR: Well, I'd come off of
5 Municipal Court and we had all petty crime come
6 through there, so that was poverty all over the place.
7 We had common drunks in those days. We had beggars.
8 And we saw the bottom of Minneapolis. So I was a
9 little bit used to it and I didn't like it.

10 JUDGE REILLY: When I was in Juvenile Court,
11 when I first went down there, I was surprised that a
12 lot of times kids would be in court without a parent.

13 JUDGE ARTHUR: Yeah.

14 JUDGE REILLY: Did you have that same
15 experience in Juvenile Court?

16 JUDGE ARTHUR: I had that. I was trying to
17 enforce the statute that requires a parent but I
18 wasn't getting any cooperation. The bailiffs didn't
19 want to go out and drag mom in and mom would come in
20 and say I'm losing my job because of you and fathers
21 were never found anyway. I kept trying to find a way
22 to enforce it but I never could and there was nobody
23 else. The prosecutors didn't want them in there and
24 the kids certainly didn't want their mother there. So
25 I had to kind of give it up. I've been thinking

1 lately that I should have used the power I never did,
2 contributing. I'd charge the mother with the crime of
3 contributing. Bill Kennedy would have screamed bloody
4 murder but then we would have had a handle on the
5 parents and if nothing else they'd come. But, you
6 know, then give him a \$5 fine if the kid's truant and
7 10 if he's truant again. This kind of a thing I think
8 might have helped. What do you think?

9 MR. STUART: Well, I look at these things
10 now from the point of view of where are we going to
11 get all the lawyers to represent everybody that would
12 need a lawyer then, you know? Because you'd have to
13 have conflicts panel to represent the parent or the
14 kid because --

15 JUDGE ARTHUR: You'd have so many lawyers
16 there wouldn't be --

17 MR. STUART: Right.

18 JUDGE ARTHUR: -- room for people.

19 MR. STUART: It gets like CHIPS court after
20 a while, where you have six or seven lawyers in the
21 room. You know, of course, I'm from the generation
22 that wants everybody to have a lawyer. On the other
23 hand, in the job I have now I have to worry about how
24 to pay for it, how to keep the caseloads to a decent
25 level and so forth. I have mixed feelings about it.

1 JUDGE REILLY: Judge Arthur, have you had
2 any young people that you think you really helped?
3 Any that stand out in your mind who stayed in touch
4 with you over the years?

5 JUDGE ARTHUR: I remember there was one
6 little boy. I forget what it was. I think it was car
7 theft. He was from Shakopee. I don't know how I got
8 him but I did. And I forget what I did with him but
9 about six years later he and his father came down to
10 call on me to thank me for what I'd done. But if
11 there's only one that I can remember, it wasn't a very
12 successful operation.

13 MR. STUART: How did things change over the
14 years in Juvenile Court while you were there? My
15 recollection is, you were there 19 years or pretty
16 close.

17 JUDGE ARTHUR: Yeah, right around there.

18 MR. STUART: 18, 19 years.

19 JUDGE ARTHUR: Well, I came back to it as a
20 sitting Judge helping out but --

21 MR. STUART: Right. I tried a couple of
22 cases with you in those --

23 JUDGE ARTHUR: Did you?

24 MR. STUART: -- those years when you came
25 back.

1 JUDGE ARTHUR: Yeah. Justice was done?

2 MR. STUART: You bet.

3 JUDGE ARTHUR: Thank you.

4 The main changes came shortly after I left.
5 They changed it from a court that was rehabilitative
6 focus. We tried to look at what was causing the
7 trouble and correct that so that we wouldn't see the
8 kid again. Now they just desire to say that it's just
9 a junior criminal court.

10 JUDGE REILLY: What did you do to try to
11 rehabilitate the child?

12 JUDGE ARTHUR: Oh, gosh. We had a book of
13 possible dispositions. Oh, we used Glen Lake if we
14 needed to keep the kid under control a bit.

15 JUDGE REILLY: And that's the County Home
16 School now, right?

17 JUDGE ARTHUR: County Home School, yup. It
18 was for boys only then. Girls were nice. And we used
19 probation. We used group homes. There were several
20 -- what do they call them? I forget the name for them
21 but scattered around. There's one particularly in
22 Duluth.

23 MR. STUART: Woodland Hills Treatment
24 Center?

25 JUDGE ARTHUR: Yeah. There's two in Duluth.

1 JUDGE REILLY: Northwoods maybe?

2 JUDGE ARTHUR: Well, Northwoods disappeared
3 while I was there. Has it come back?

4 JUDGE REILLY: It's come back.

5 JUDGE ARTHUR: Good. It was a nice place.

6 JUDGE REILLY: We use it for kids with
7 mental health issues.

8 JUDGE ARTHUR: Yeah. I remember we went up
9 there once. I had the referees and at least once a
10 year we'd go somewhere together and visit someplace.
11 And in the evening once we were playing bridge and one
12 guy wanted to drop out and a Catholic Father who was
13 running this other establishment stepped into the
14 hotel room, so we made him play bridge and he became
15 my partner and we won and we were playing for -- the
16 loser had to take a short bid so I got a long bid. Of
17 such things as Juvenile Court's made. No, we used a
18 lot of that. We had numerous facets of probation. I
19 can't remember. There was of course intensive and
20 then they would just call in occasionally kind of a
21 thing and then a lot in between. We kept trying to
22 find things that would meet this particular child.
23 And if we were exactly right, if we had a thousand
24 kids in a year, we'd need a thousand different
25 dispositions. And I never looked at what an

1 accomplice had gotten as a disposition because he
2 wasn't the same guy and we were trying to
3 rehabilitate.

4 JUDGE REILLY: Did you work real closely
5 with probation then?

6 JUDGE ARTHUR: Very closely. Yeah, I met
7 with the head of juvenile probation at least once a
8 week and we'd go over things. I met with all the
9 probation officers probably once every three or four
10 months in groups.

11 MR. STUART: My recollection is that you
12 became nationally known through writing and through
13 working with the Juvenile Court Judges' Association.
14 When I first went to Juvenile Court, one of the things
15 I did to prepare myself was to read some articles
16 you'd written for the Judges' magazines.

17 JUDGE ARTHUR: Well, thank you.

18 MR. STUART: Well, thank you. I'm just
19 wondering what you thought of the place of the
20 Hennepin County Juvenile Court in the nation in terms
21 of what the trends were, what you were standing for as
22 you went to those Judges' meetings?

23 JUDGE ARTHUR: Well, I kept telling them
24 that we are the best court in the country and we've
25 achieved excellence. We're going on to perfection.

1 That did not amuse them. But, no, I thought we were
2 superior and a lot of that was because the county
3 board gave us resources so we could try to meet some
4 of these strange dispositions that had gotten dreamed
5 up. And I think we had the best probation staff I
6 ever ran into.

7 I remember once I was asked to give a speech
8 to all the juvenile probation officers of Chicago.
9 There were quite a few of them. So I gave a speech,
10 you know, talking about this rehabilitative approach
11 and so forth. When I finished I got a standing
12 ovation. And the Judge who had apparently been on a
13 different kick, he stood up. After a while he says,
14 stop it, you know who's got your paint scale. So that
15 was fun. And I had referees that could cover for me
16 when I went to meetings. So I went to a lot of
17 meetings. I became the president of the thing for a
18 while and I was out to the State of Minnesota about
19 three days a week and I had other Judges that would
20 cover for the things that needed an actual Judge. In
21 those days there was only one Judge. We had three
22 referees and we managed the job. But now I think you
23 have what, eight or nine Judges.

24 JUDGE REILLY: I think there's ten or eleven
25 judicial officers down there.

1 JUDGE ARTHUR: Yeah. Well, I like to think
2 we managed on less but then in my day they had not
3 invented guns or drugs.

4 JUDGE REILLY: I was going to ask you about
5 drug use. When I was in Juvenile Court, there were a
6 lot of young people who were chemically addicted or
7 using alcohol, marijuana, all kinds of things. Did
8 you see that?

9 JUDGE ARTHUR: No.

10 JUDGE REILLY: No.

11 JUDGE ARTHUR: A lot of liquor, a lot of
12 alcohol, but it wasn't alcohol to the extent of
13 drunkenness. It was experimental alcohol that went
14 too far, binge drinking, or something like that. We
15 didn't have to cope with marijuana and crack or any of
16 those things.

17 JUDGE REILLY: How about for the parents who
18 came through on the CHIPS cases, when I was in
19 Juvenile Court a lot of those parents were chemically
20 addicted --

21 JUDGE ARTHUR: Oh.

22 JUDGE REILLY: -- or mental health issues.

23 JUDGE ARTHUR: I would have said 99 percent.
24 And mom was sitting at the bar instead of taking care
25 of her baby. Those were tough ones. Mom sometimes

1 wouldn't even show up if we were proposing to take her
2 baby away from her. That was hard.

3 JUDGE REILLY: Yeah. My colleagues and I,
4 when we talk about Juvenile Court, they're the kinds
5 of decisions you make as a Judge where sometimes you
6 wake up in the middle of the night and you worry about
7 them.

8 JUDGE ARTHUR: I tried hard not to.

9 JUDGE REILLY: Were you successful?

10 JUDGE ARTHUR: Quite as a matter of fact.
11 My predecessor, Tom Tallakson, he'd been there about
12 seven years and he began taking the cases home with
13 him, Did I do the right thing? And he'd toss all
14 night long. Till his wife went to some of the other
15 Judges and said, Tom can't keep this up. And,
16 finally, the other Judges had to go to Tom and tell
17 him, you're out. You're going to move into the civil
18 divisions and he resisted it. As a matter of fact,
19 when I came in, Tom and I had known each other
20 slightly, but when I came in he wouldn't talk to me.
21 And it was customary, particularly in that specialized
22 court, to sit with the outgoing Judge for a few days
23 to see what's going on and I said, May I sit with you?
24 There's a chair in the back of the room. That's
25 yours. And when I took over that courtroom, he had

1 taken out all the volumes of law that dealt with
2 juvenile law. The statutes weren't there. And there
3 was one pencil and one tablet. We became pretty good
4 friends after a while, partly because I wanted to
5 become good friends. But Tom was not happy with the
6 -- he wasn't mad at me. He was mad at the idea that
7 somebody else was going to do his job and he was just
8 in line to become the president of this National
9 Council. And in those days its budget was I think
10 \$18,000 a year. When I became president, we had it up
11 to about 3 Million. It's up to about 12 Million now.
12 So it was a fun job to have too.

13 MR. STUART: What did you think of the
14 movement at the capitol to make it easier and easier
15 to certify kids to adult court? I know during the
16 '70s and '80s that law was amended just about every
17 year to make it easier to transfer --

18 JUDGE ARTHUR: Yeah.

19 MR. STUART: -- kids to the adult court.

20 JUDGE ARTHUR: I don't think we transferred
21 very many more that way. Did you?

22 MR. STUART: Well, it seemed to me when I
23 was working there in the '80s, that I always had
24 several certification cases going and maybe it was the
25 change in the law, maybe it was the change in the

1 County Attorney's Office, maybe it was a change in the
2 court philosophy.

3 JUDGE ARTHUR: I handled them all. I didn't
4 let the referees handle those. And I didn't pay much
5 attention to the new law. There's several places I
6 didn't pay attention.

7 MR. STUART: I don't recollect that you
8 certified very many kids down --

9 JUDGE ARTHUR: Yeah.

10 MR. STUART: -- at the court because you --

11 JUDGE ARTHUR: I had the philosophy to do
12 it.

13 MR. STUART: -- had the philosophy of trying
14 to keep them.

15 JUDGE ARTHUR: Yeah. And I had a philosophy
16 that we'd find some way --

17 MR. STUART: Yeah.

18 JUDGE ARTHUR: -- to cure this kid. Where
19 if we certified them, they'd just punish the hell out
20 of them and then let them go.

21 JUDGE REILLY: Where else did you ignore the
22 law?

23 JUDGE ARTHUR: Well, they tell me I had more
24 appeals than any other Judge, that I had got reversed
25 quite often. And then in several cases I kept urging

1 the public defender to appeal. I said, I think I've
2 got to do it this way but it's wrong. Or else I'd do
3 it wrong purposely so they would appeal. And I know I
4 had a reputation in the National Council that the
5 juvenile law of Minnesota is based on Judge Arthur's
6 reversals. I was proud of that.

7 JUDGE REILLY: Do you have any advice for
8 attorneys who want to practice in Juvenile Court?

9 JUDGE ARTHUR: Yeah, get ready to be
10 overworked. You're not going to do a 40 hour a week,
11 is that right?

12 MR. STUART: Well, it seems right to me.
13 You know, just the way the calendars would run, where
14 you would have the detention calendar in the morning
15 and then all the arraignments in the afternoon and
16 over the lunch hour you're supposed to see the kids.
17 And then when that's all done, then they add on all
18 the CHIPS cases at 4:30. And we would try CHIPS
19 trials and TPR trials starting at 7:00 in the morning
20 or sometimes we'd go from 6:00 to 8:00 in the evening.

21 JUDGE ARTHUR: That was under Tallakson.

22 MR. STUART: That was under Judge Oleisky.

23 JUDGE ARTHUR: Oh, really. Tallakson did
24 that too. So I didn't believe in that. I didn't
25 think anybody's strong enough to keep going that way.

1 We recessed pretty close to 4:30.

2 MR. STUART: There was some pretty strenuous
3 work when I was there.

4 JUDGE ARTHUR: Yeah.

5 MR. STUART: It was very engaging. I mean,
6 I was drawn in. I wanted to fight for those kids.

7 JUDGE ARTHUR: Yeah.

8 MR. STUART: I wanted to keep them out of
9 the hands of the Juvenile Court Judge, whoever that
10 was.

11 JUDGE REILLY: Did you?

12 JUDGE ARTHUR: Well, that's what you were
13 paid for.

14 MR. STUART: That was my job, right. That
15 was my job.

16 JUDGE ARTHUR: Did you ever want to be a
17 Juvenile Court Judge?

18 MR. STUART: Well, I've been pretty
19 committed to being an advocate for these folks and --

20 JUDGE ARTHUR: Yeah.

21 MR. STUART: -- I think it would be hard for
22 me to be fair.

23 JUDGE ARTHUR: Well, maybe for a week. When
24 they put that black --

25 MR. STUART: It's an interesting job.

1 JUDGE ARTHUR: -- robe on, it does things to
2 you.

3 MR. STUART: Right.

4 JUDGE REILLY: Sometimes good, sometimes
5 bad.

6 MR. STUART: Some good, some bad.

7 JUDGE ARTHUR: Right, right.

8 MR. STUART: What do you think of the
9 situation Juvenile Court is now? Would you suggest
10 anything for the next hundred years of Juvenile Court
11 to be a vital part of the court system and a vital
12 part of Minneapolis?

13 JUDGE ARTHUR: Well, of course, I've lost
14 touch. I've been retired nearly twenty years.

15 MR. STUART: Right, right.

16 JUDGE ARTHUR: And I'm not quite sure what
17 they're doing. The last times I was there I was
18 almost horrified. I got the idea that they were doing
19 a straight criminal court. You get sentenced to so
20 many days at Glen Lake and this and that. It was all
21 predetermined and you sentenced the offense, not the
22 offender. I didn't like that at all. That's why they
23 ended up having me do traffics I think.

24 MR. STUART: Have you noticed that Juvenile
25 Court records are becoming more available? They're a

1 lot of routes where the employer, for instance, can
2 get ahold of --

3 JUDGE ARTHUR: Yeah.

4 MR. STUART: -- a kid's record.

5 JUDGE ARTHUR: I don't like that.

6 MR. STUART: It seems to me that in the '60s
7 the idea was very much that it will be kept within the
8 court.

9 JUDGE ARTHUR: Well, the theory of Juvenile
10 Court way back a hundred years ago was keep the child
11 out of adult court, out of the public eye, because he
12 doesn't know what he's doing. Had no sense in
13 judgment and so on like that. They're going to keep
14 him out of the eye by not letting trials be public,
15 you got to keep the records private too. That was
16 essential to the Juvenile Court philosophy and I would
17 agree with that. I'd like to keep it that way.

18 I had a deal with the newspapers, that they
19 could come in and sit in on any case, report it as
20 much as they wanted, but not identify the child or his
21 parents by name, address, or anything else. So the
22 reporters never came in. But I thought that was fine.
23 The public ought to know what we're doing but they
24 don't need to know the particular kid. Well, we had
25 one case. One reporter wrote up our whole court. He

1 spent weeks with us. I forget his name. But one he
2 was using the real name for his own notes but then he
3 would shift that when he wrote the article. One kid
4 he forgot and didn't shift. It came out in the paper
5 and here's this boy charged with some kind of a
6 robbery. And when it came out in the paper, it was
7 the first time his grandmother knew that he had been
8 in trouble and she was pretty broken up by it. His
9 father was fired because he had a job handling money.
10 There was a lot of unfortunate things happened because
11 just that one incident where his name was mentioned.
12 And some kids it shouldn't matter. They're acting
13 like adults and we should treat them like adults. But
14 99 percent of the kids were juveniles. They weren't
15 able to make a valid judgment.

16 MR. STUART: Somebody called me a couple of
17 weeks ago and said that they had two girls that were
18 clients who were age 17 that had had shoplifting cases
19 at the age 16 and now they couldn't get jobs at
20 McDonald's because McDonald's subscribed to a service
21 that would sell you kids' Juvenile Court records.

22 JUDGE ARTHUR: Really. How did the service
23 get them?

24 MR. STUART: They would harvest the data out
25 of the court system's web site or some such. I don't

1 understand the technology of it all but employers can
2 buy a list of kids that had a Juvenile Court record.

3 JUDGE ARTHUR: Even if the kid was found not
4 guilty?

5 MR. STUART: I think these two were guilty.

6 JUDGE ARTHUR: Yeah.

7 MR. STUART: But how does that strike you,
8 that here's a kid who's 17 years old that wants to go
9 to work at McDonald's and they can't do it? How's she
10 going to start having a career or a --

11 JUDGE ARTHUR: Yeah.

12 MR. STUART: -- life or --

13 JUDGE ARTHUR: How could you build a job
14 resume if she can't get a job?

15 MR. STUART: Umm-hmm.

16 JUDGE ARTHUR: I'll be darn.

17 JUDGE REILLY: Do you think that your work
18 in Juvenile Court was the most important work you did
19 as a Judge?

20 JUDGE ARTHUR: Oh, of course.

21 JUDGE REILLY: When you came back to adult
22 court and did civil, how long did you do that?

23 JUDGE ARTHUR: I forget the exact number.
24 It must have been about six or seven years. And then
25 they created the mental health court which is very

1 similar to juvenile, privacy again, and trying to
2 figure out what to do for the defendant, not what you
3 can do to him and I found that a real challenge and I
4 kept that until I was retired.

5 JUDGE REILLY: That would be similar to
6 Juvenile Court.

7 JUDGE ARTHUR: Yeah, yeah.

8 JUDGE REILLY: Did you have a social work
9 background?

10 JUDGE ARTHUR: No, no. I was a trial
11 lawyer, civil cases. I remember I got assigned to be
12 a lawyer for a fellow in Federal Court charged with
13 some heinous crime and when we went to calendar call
14 in Federal to get assigned a time, the Judge, Judge
15 Nordby, would also assign you a defendant before a
16 public defender's there. When I got this case
17 assigned to me, I went over to the jail and started
18 talking to him. He said, no, we don't need to talk.
19 He says, here, take this. I says, what it is? Well,
20 it's an envelope. It's got \$3,000 in it. You give a
21 thousand to the Judge, a thousand to the prosecutor,
22 and you keep a thousand. I went back to Judge Nordby
23 and said I'm not capable of handling this kind of a
24 case.

25 JUDGE REILLY: Did he excuse you?

1 JUDGE ARTHUR: Oh, yeah. He put in somebody
2 who was a little bit more experienced.

3 MR. STUART: Gosh.

4 JUDGE REILLY: Well, any other things,
5 reminiscences or comments about Juvenile Court?

6 JUDGE ARTHUR: Well, the one I've been
7 making I hope several times, I'd like to go back to
8 the days when we tried to figure out why the kid did
9 this, why the mother let her child get neglected and
10 so on and see if we can't reach them and correct the
11 situation instead of sending them all to Red Wing or
12 something like that.

13 I guess Red Wing is an adult prison now too
14 anyway, isn't it?

15 JUDGE REILLY: No.

16 MR. STUART: Well, they have adults there.
17 There's an adult population in Red Wing. That's why
18 they put the fence up.

19 JUDGE REILLY: Because they're EJJ?

20 MR. STUART: Well, they have an adult --

21 JUDGE REILLY: Oh, I didn't know that.

22 MR. STUART: -- end of Red Wing now.

23 JUDGE REILLY: I didn't know that.

24 MR. STUART: The south end of Red Wing is
25 for adults.

1 JUDGE ARTHUR: I know we were very pleased
2 when they built Lino Lakes because that was entirely
3 juvenile. It was going to be a program like Red
4 Wing and they had a psychiatric cottage just for
5 juveniles and now you can't get a juvenile anywhere
6 near it.

7 MR. STUART: Did you start to see more girls
8 come into the system during the years you were there?

9 JUDGE ARTHUR: I don't remember a feeling of
10 that at all, no. I think it was usually runaway.

11 MR. STUART: It's turned out that the
12 fastest growing part of the adult prison system is
13 Shakopee, the women's prison.

14 JUDGE ARTHUR: I'll be darn. Why? Are they
15 getting too much like men?

16 MR. STUART: Yes. An awful lot of women
17 have been implicated as accomplices in drug deals.

18 JUDGE ARTHUR: Oh.

19 MR. STUART: That's the main thing. It's
20 chemicals. Just as we were talking about a few
21 minutes ago, it's cocaine and methamphetamine and so
22 on.

23 JUDGE ARTHUR: But I suppose the war changed
24 it a lot. But women got out of the home. Before that
25 they were mothers and didn't have much opportunity.

1 But once they became Rosey the Riveter they had a
2 man's life. Is that right?

3 JUDGE REILLY: Oh, I don't know. I'm glad I
4 live in this generation otherwise I wouldn't be
5 sitting here.

6 MR. STUART: Right, right.

7 Well, I'm fine to have all kinds of
8 opportunities for women but not to have to be in
9 prison.

10 JUDGE REILLY: No, not criminal
11 opportunities.

12 MR. STUART: Yeah, the part where the woman
13 goes to prison is the part that I'd like to stop.

14 JUDGE ARTHUR: Yeah, I had to sentence a
15 woman to prison.

16 Have you ever visited Shakopee?

17 MR. STUART: Yes.

18 JUDGE ARTHUR: When I was down there, it was
19 run like a boarding house.

20 MR. STUART: Right.

21 JUDGE ARTHUR: Every woman was assigned some
22 chores to do for the common good and kids came to
23 visit every weekend and it was a far cry from
24 Stillwater.

25 MR. STUART: Right.

1 JUDGE ARTHUR: At least they can retain
2 that.

3 MR. STUART: Right.

4 JUDGE REILLY: I think it's similar still.

5 JUDGE ARTHUR: Is it?

6 JUDGE REILLY: I was there when I first
7 became a Judge.

8 JUDGE ARTHUR: You found that same boarding
9 house kind of a --

10 JUDGE REILLY: It had a much different
11 feeling than St. Cloud which was --

12 JUDGE ARTHUR: Yeah.

13 JUDGE REILLY: -- the men's prison that I
14 visited.

15 JUDGE ARTHUR: Yeah. It didn't have a fence
16 around it as I recall.

17 JUDGE REILLY: I think it does now but I --

18 JUDGE ARTHUR: Oh.

19 JUDGE REILLY: -- can't remember.

20 MR. STUART: The Department of Corrections
21 wants to build a fence and the people who live in
22 Shakopee say, no, don't build a fence.

23 JUDGE ARTHUR: Really. You'd think it would
24 be the other way.

25 MR. STUART: Right. The people in the

1 neighborhood like it better with no fence.

2 JUDGE ARTHUR: Well, it will spoil their
3 property values.

4 MR. STUART: I suppose. The fence at Red
5 Wing sure is ugly. They've got all those juveniles
6 now behind a \$3 Million wire fence.

7 JUDGE ARTHUR: Hmm, great. How high, six,
8 seven feet?

9 MR. STUART: They'd be 12, 14 feet.

10 JUDGE ARTHUR: Oh, boy. With barb wire on
11 top?

12 MR. STUART: Yeah. It kind of curves in so
13 you can't climb up very easily.

14 JUDGE ARTHUR: What's that tell the kid?

15 MR. STUART: Tells the kid you're no good.

16 JUDGE ARTHUR: Yup.

17 MR. STUART: We don't trust you.

18 JUDGE ARTHUR: Yup. And no hope.

19 MR. STUART: Yup.

20 JUDGE REILLY: So you really saw a huge
21 change, from no attorneys to lots of attorneys?

22 JUDGE ARTHUR: Yeah, the whole thing. No,
23 when I came, as I said, the social workers would
24 present the case and the child didn't have a lawyer.
25 Oh, the probation officer became the defense lawyer

1 and he or she would say something and the welfare
2 worker would object. I object and they had no legal
3 reason for it. They just didn't like it and that was
4 quite a change.

5 JUDGE REILLY: It would be a big change
6 coming from civil litigation --

7 JUDGE ARTHUR: Yeah.

8 JUDGE REILLY: -- civil trials to that.

9 JUDGE ARTHUR: Yeah. And I'd always been a
10 firm believer in due process so we got it.

11 JUDGE REILLY: Well, we sure appreciate the
12 service you did.

13 JUDGE ARTHUR: Thank you. Thank you.

14 MR. STUART: You did build a terrific court.

15 JUDGE ARTHUR: Well, I built a reputation I
16 was proud of. I was known nationally as Mr. Juvenile
17 Court. That's what at least all my colleagues out in
18 the Reno office would call me.

19 JUDGE REILLY: What year were you president
20 of that national organization?

21 JUDGE ARTHUR: '71-'72 I think. Something
22 like that. It's a full year starting in July. And
23 it's quite an organization now as I say but put out
24 several publications and for a while I was editor of
25 all three. But I did all this writing you're talking

1 about --

2 MR. STUART: Right.

3 JUDGE ARTHUR: -- but I had a little trouble
4 getting it published.

5 JUDGE REILLY: You had your own pipeline so
6 to speak?

7 JUDGE ARTHUR: Yeah, yeah. So that was fun.
8 I think I had something like 70 articles published,
9 not only in that but around the country. One of my
10 favorite ones was what you're asking I think. The
11 first one I wrote back in '63 or 4, published in the
12 Minnesota Law Review and it's title was, "A Family
13 Court, Why Not?" My thesis was, that a family should
14 only see one judicial officer whether it was divorce
15 or adoption or delinquency or neglect. One judicial
16 officer would keep track of the case. And I
17 understand they do it in Hawaii but that's all.

18 MR. STUART: The principle has come back now
19 under the name of "One Judge, One Family."

20 JUDGE ARTHUR: Yeah. Is it going anywhere?

21 MR. STUART: Places it is. In Washington
22 County, for instance, it's --

23 JUDGE ARTHUR: Didn't St. Paul try something
24 like that for a while?

25 JUDGE REILLY: I think they still are trying

1 that. I know that we have tried to institute that in
2 Hennepin County Juvenile Court but if there's a
3 divorce going on, that's heard in Family Court, not in
4 Juvenile Court --

5 JUDGE ARTHUR: Yeah.

6 JUDGE REILLY: -- for instance.

7 JUDGE ARTHUR: Well, at one point I tried to
8 put my idea together. I became also the Judge of the
9 divorce court, Family Division, as well as the
10 Juvenile Division. The other Judges were overjoyed
11 but the lawyers were not, particularly the divorce
12 court lawyers because I had to begin to try to bring
13 in some of my rehabilitative ideas in there and try to
14 say, well, put the child first. And I remember I had
15 tried it on a couple of cases, that instead of moving
16 the father out of the house or the mother out of the
17 house, they'd both go. The child stays in the family
18 house where he or she's used to it and got his friends
19 and got his school and all of that and then the mother
20 would be in charge for a couple of weeks. Then the
21 father would move in for a couple of weeks. That
22 didn't go over either.

23 JUDGE REILLY: That was pretty innovative.

24 MR. STUART: That was a good idea.

25 JUDGE REILLY: Yeah.

1 JUDGE ARTHUR: Well, I'd give speeches
2 around the country advocating things like that as
3 though we were doing it so that it gave it the
4 prestige. It may have been tried in a few places.

5 THE COURT: Do you have any other questions,
6 John?

7 MR. STUART: Well, I just want to say that
8 sometimes you meet somebody that has found a calling
9 in life and has gone and followed that and has really
10 accomplished something and you did that and I'm glad
11 to have had a chance to practice in your court --

12 JUDGE ARTHUR: Well, thank you.

13 MR. STUART: -- and it's really good to talk
14 with you about it again now twenty years later.

15 JUDGE ARTHUR: Yeah, we had our differences.

16 MR. STUART: Well, we had different roles in
17 the system.

18 JUDGE ARTHUR: Sure, sure. It would have
19 been sad if we didn't.

20 MR. STUART: Right.

21 JUDGE ARTHUR: But, yeah, I did, I found a
22 calling. I didn't know I was finding it when I went
23 to juvenile. I just went to the District Court.

24 There's one other part of Juvenile Court
25 that I found to be very intransigent. I suppose it's

1 true of all courts, I had power and I had power over
2 the lives of what, 10 or 15,000 children a year and I
3 could spend money to try to help them and if I said,
4 jump, they said how high. And whatever else you can
5 say, power's fun, don't you think?

6 JUDGE REILLY: Yeah, yup.

7 Well, thank you for your time.

8 JUDGE ARTHUR: Well, thank you for the
9 opportunity.

10 JUDGE REILLY: Really appreciate it.

11 JUDGE ARTHUR: Thank you.

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