

Interview with William Dosland

Interviewed by Bill Jones for the Heritage Education Commission

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William Dosland - WD

Bill Jones - BJ

BJ: Today I am interviewing William Dosland; and I'm going to first ask you, Bill, if you would give us a brief bio sketch of where you came from and how you arrived at your present situation.

WD: I was born in Chicago on November 10, 1927 and lived in Chicago with my parents, Goodwin L. Dosland and Beatrice Dosland, until the end of World War II. Dad had gone into the service at the beginning of World War II; and late in the war his father, Christian G. Dosland, who practiced law in Moorhead, passed away; and Dad got out of the service and came up here to help his mother wind down my grandfather's law practice. Dad found himself taking on new business; and gradually, instead of winding down that law practice, it started to wind up. So, right after World War II, when I got out of the Navy, we all moved up to Moorhead and have been residents of Moorhead ever since.

I graduated from high school in Chicago and then graduated from Concordia College in Moorhead for the baccalaureate degree. I was the first third generation, as I understand it, to graduate from Concordia as my grandfather graduated in the first graduating class, my father graduated in the early 20s, and I graduated in 1949. Then my son became the first fourth generation to graduate from Concordia; he graduated from there about four or five years ago. Then I went on to law school at the University of Minnesota. Midway through law school I was called back to active duty with the Navy during the Korean War and spent another two years on active duty. Then I got out of the Navy, went back to law school, finished up, and then moved to Moorhead to practice law with my father. So I really started practicing law here in 1954, and in 1958 I ran successfully for the Minnesota State Senate and served there 14 years until 1972 when I declined to run for re-election. Then I spent six years on the Board of Regents, from 1978 to 1984; and that was the extent, then, of the public service. Since then I've been practicing law until the first of this year when I went into semi-retirement. So that's about the story.

BJ: Okay, that's a good overview.

Let's talk about beginning your law practice in Moorhead. What was the state of the profession at the time you entered it? Certainly far different from what it is today.

WD: Oh, yes, I anticipated that question; so I did some research. From my memory I believe there were approximately eleven actively practicing attorneys in Moorhead in 1954 when I arrived, generally in small firms of two or three attorneys. Some sole practitioners

of the older group were really retired by the time I arrived, although they would still attend the annual dinner and that sort of thing. They were really out of the active practice. And I think all the attorneys at that time considered themselves generalists; they did the law work from A to Z--probate, real estate, estate planning, trial work of all kinds. There was very little in the way of announced specialization. Today I had my secretary compile the number of attorneys in Moorhead, and with those who are employed in government--the Moorhead City Attorney, the Moorhead Assistant City Attorney, the Clay Attorney's office, and Northwest Minnesota Legal Services--there are 6 there, and 52 attorneys in private practice, for a total of 58. So it's quite a growth industry [laughter] apparently from the standpoint of the number of people anyway who are actively engaged in it. It is an area now of specialization. You find attorneys that are doing only trial work, and you find attorneys that do no trial work, attorneys that do only business related work, attorneys that do primarily probate and estate planning; so there's a much higher degree--a fairly high degree--of specialization now in the practice of law in Moorhead, certainly compared with what there was in 1954. Also in 1954 the County Attorney's office was, while an elected position as it still is today, not full-time. One of the practicing lawyers in Moorhead would do that sort of on the side. Also the Moorhead City Attorney was one of the practicing lawyers in Moorhead who did that as just part of his practice. Today, those are full-time jobs with offices in the City Building and the County Building, so you find it a lot different that way also.

BJ: I think we'd like to talk eventually about some of the circumstances that caused this kind of explosion, but let's think first about you and what your particular specialties or specialty was.

WD: Well, early on I was doing really general legal work including trial practice. But once I was elected to the State Senate, I noticed my practice starting to change towards business related work--real estate, probate, estate planning, and corporate work, and away from any trial work. One of the reasons for that, I think, was that I was gone very often; and when the court term comes around and you're not here, it's pretty hard to engage in trial practice. Nowadays, though, we have what's called a continuous term--we have a lot more judges than we used to have back in 1954 also. We had one County judge in 1954 and one District Court judge that served a number of counties and would hold court on schedule in Moorhead and then also elsewhere. Today there are a number of judges that sit almost full time in Moorhead; of course, the bench has been unified now; that is, the County judges are no longer. All judges are District judges at this time. So the Judicial Branch has undergone some changes also.

BJ: You were always a part of a firm, and let's just talk a little bit about with whom you were working during those days. I expect there was quite a changing parade of people.

WD: I started, as I said, to practice with my father in 1954; and the firm name was Dosland and Dosland. And then my brother graduated from law school and joined us three years later.

BJ: And his name was?

WD: John P. Dosland--John Peter, he goes by Pete. He joined us in 1957 and then, as I said, in 1958 I ran for election. So he started to take over a lot of the things that I was doing, and shortly thereafter Curtis Nordhougen joined our firm; and so it made for a firm of four people. And then Larry Mickelberg was with our firm, who is now the County Attorney.

BJ: Retiring County Attorney.

WD: Yes, he was with our firm for a short period of time. And after he left, we had Patrick Hammers, who practiced with us for a relatively short time, and then after he left, Joel Johnson and Duane Lillehaug joined the firm; and then most recently, Colleen Saande. I think it is rather interesting when Patrick Hammers left the firm I had just returned from about four days in Chicago, closing a bond issue, and was fed up with the big city--the rush and the traffic problems and what have you--and I got back to our small town of Moorhead and Mr. Hammers came into my office and told me that he was leaving the firm to go to practice law in Park Rapids, Minnesota. And I said, "Well, why are you doing that?" He said, "Well, I want to practice in a small town." I said, "Well, my God, man, where do you think you are?" [Laughter]

BJ: Oh, everything is relative, I guess.

WD: That's for sure. But the firm now is my brother, Pete; Curt Nordhougen; Duane Lillehaug; Johnson; and Saande. So it's Dosland, Nordhougen, Lillehaug, Johnson, and Saande.

BJ: Any of your sons follow the profession?

WD: No, no, I have two children--a son and a daughter. My son became an accountant, and I sometimes refer to him as a bean counter which he doesn't enjoy too much; and he is a Certified Internal Auditor, which entitles him to have the initials CIA after his name. I told him not to carry any of those business cards overseas. [Laughter] [He might] find himself in trouble. And he has recently gone back to school at the University of Minnesota to get his MBA and he should finish that up next June. My daughter is farming down in Canby, Minnesota.

BJ: I think it would be interesting if we could talk about some (and I frankly don't know the ethics of this) of the clients that you've had and the interesting things that might have been interesting particularly as they affected Moorhead 'cause we're talking about a historical document that we're creating here. And I just don't know how extensive you can develop anything like that. [Laughter] But your important clients and what historical significance some of your work with those clients might have had in the development of Moorhead, and so on.

WD: Well, there are some ethical considerations, as you mentioned, which prevent you from going into some matters in great depth. I think the foremost historical event would have to be the acquisition of American Crystal Sugar Company by the growers--sugarbeet growers of the Red River Valley. I was attorney for the Red River Valley Sugarbeet

Growers Association. They did not have a great load of legal work to do--they were a trade association and just a few matters, normally some Board meetings and an annual meeting, and a review of their bylaws and their articles of incorporation, and that sort of thing on a routine basis. But then American Crystal Sugar Company was an investor-owned company listed on the New York Stock Exchange with headquarters in Denver, Colorado. And the sugarbeet growers of the Red River Valley wished to increase acreage--expand their production--and, of course, with any given plant to process sugarbeets, there's a finite volume that it can, in fact, handle; so without plant expansion, there is no way to expand the acreage or the number of tons of sugarbeets that are to be produced by the growers. Then, in addition to that, it appeared to the growers that American Crystal, the investor-owned company, was allowing the plants to somewhat deteriorate and were reducing the volume of sugarbeets they were willing to process. Obviously, upkeep and modernization takes money; and if the money is used that way, it can't be used for dividends as far as the shareholders are concerned, so there was a shareholder profit motive to not spend a lot of money on the plants. These concepts first suggested to the growers that they ought to acquire some stock in American Crystal to see if it would be possible to place a representative on the Board of Directors. There was stock available, a block of stock available, that was held by Borden's, Inc., and there was some thought given to try to purchase that; and while that was going on it became apparent to the leadership of the growers association that the sugar company might be available for purchase; and so we entered into negotiations to purchase all of the assets of American Crystal. And the deal was finally struck to purchase the assets for book value. After that it was determined that there was a book value for financial reporting purposes as well as a book value for tax purposes, which were different; and in order not to trigger a capital gain, a taxable capital gain, on the purchase of the company at book value for financial reporting purposes, the series of mergers, corporate mergers, were designed. And during this time I represented the growers association in acquiring American Crystal. We had then, of course, engaged the SEC Council; the Oppenheimer Law Firm out of St. Paul; and an accounting firm, Arthur Andersen, out of Minneapolis (the Minneapolis office); and there was a tremendous amount of legal work in connection with this acquisition.

BJ: Tax law, corporate law?

WD: Oh, yes. Excess or SS [unclear] Securities law. The way we finally did it was we formed a Minnesota business corporation called Crystal Growers Corporation, and we sold \$20 million of stock in that corporation to the growers who were contracting with American Crystal, and the amount of stock that each grower purchased was in relation to the number of acres of sugarbeets he had traditionally contracted with American Crystal. The sale price was \$100 per acre. So that meant we had to plant 200,000 acres of sugarbeets in order to justify the sale of 20 million shares of stock. Well, the year before American Crystal had only grown about 168,000 acres of sugarbeets; and that increase--there was some question whether the plants could handle that. But the investigation of the plants which we had done by a German firm called BMA (Brimeschwaggerschum Machine & Bauenschtalt [very phonetic!]) led us to believe that we could, in fact, handle the yield from 200,000 acres.

BJ: There was unused capacity actually, then.

WD: Yes, by extending the campaign and crossing your fingers that there would not be an early spring which would adversely affect the beets in storage piles. Taking some chances, admittedly, we contracted for 200,000 acres. Well, that \$20 million, together with a \$47 1/2 million loan from the St. Paul Bank of Cooperatives, yielded \$67 1/2 million for the purchase price. Then, the sugar on hand at closing in February, was another over \$20 million of value, which is easily collateralized because it's a salable commodity; and the total purchase price, then, became close to \$90 million. The sale was closed, or the merger--it wasn't actually a sale--the merger was closed in February of 1973; and now you can see why with all this going on, I did not run for re-election to the Minnesota State Senate in November of 1972. Thereafter, we sold off the sugar and repaid the short-term line that was collateralized by it, reducing the debt to about \$67 million. Then, planted the new crop in May and we converted American Crystal to a cooperative in June of 1973. The reason for converting it to a cooperative was really tax motivated because of the single-tax treatment on the corporate entity and its shareholders who would not be paying a corporate income tax and then the growers paying an income tax on any profits distributed to them as dividends. And that conversion to a cooperative was accomplished by having each grower turn in his Crystal Growers Corporation stock for an equal number of shares in the cooperative--a type of merger.

Then, American Crystal had to decide where to locate its corporate office because a corporate office in Denver for a cooperative owned by growers of sugarbeets in the Red River Valley was quite inappropriate, so the decision was made to locate the corporate office in Moorhead and land that had been acquired by the Housing and Redevelopment Authority of the City of Moorhead, for whom I was attorney, was made available to American Crystal Sugar Company, for whom I was attorney. That was an interesting transaction. The corporate office was built and dedicated in 1974. The Forum had an article in late '74 of the events that had occurred during the year, and one of the highlighted events was the location of Crystal's corporate office in Moorhead; and The Forum editorially and gratuitously gave me the credit for engineering that decision. It was a little bit embarrassing because management and the Board of Directors thought they'd had something to do with it, you see. [Laughter] As a matter of fact, they had, in fact, made the decision; and The Forum embarrassed me by attributing it to me.

BJ: Well, that certainly must have been a very, very complex process of accomplishing that transfer from private ownership, or public ownership, to the cooperative.

WD: Yes, it was really, and since that time, of course, the growers' confidence has proved to be correct. Acreage has been expanded on a number of different occasions; the plants have been expanded. In 1974 the company bought an existing plant at Montezuma, New York, which had originally been constructed by Coca Cola; and they were never able to make it work. One of the reasons given to me that they were having problems was the pH of the soil in the area was not suitable for growing sugarbeets. You would have thought that would have been checked out first. [Laughter] In addition to that, it was a rather rocky soil with rocks about the size of sugarbeets; and the machinery was having difficulty

distinguishing between the two. Again, you would have thought that would have been checked out before they constructed the plant. But that plant was purchased and dismantled and moved to East Grand Forks, Minnesota, and built up in tandem with the existing plant that was already there; and that added significant capacity to Crystal's ability to process beets. That also enabled the sale of additional shares of stock in order to create capital with which to purchase and construct a new plant, but they sold shares at \$135 an acre and I don't recall right now how many additional shares were sold, but it created a fund that financed part of the expansion at East Grand Forks. And then additional expansion has been financed out of operations right along until now. They've doubled the original 200,000 acres that was put out in 1973.

BJ: There was market to absorb that increased production, too.

WD: Well, the sugar market is--I don't know if it's a little different than other markets or not--but the United States at the present time and historically has only produced approximately 50% of the sugar that it consumes, the rest being imported. So, the government has, with the exception of a very few years, always had a sugar program which restricts imports to the amount necessary to supplement domestic consumption over that which is available from domestic production. So the market, while absorbing the additional sugar grown by American Crystal, in essence, reduced its reliance on off-shore imports.

BJ: I bet there's a lot of satisfaction in having gone through all that and to see the results in your own community.

WD: Yes, really, there is a kind of satisfaction. It's obviously had a major impact on the economy, not only of Moorhead, but of the entire western Minnesota and eastern North Dakota.

BJ: Any other particular professional tasks that you assumed that you think you would like to get on tape? [Laughter]

WD: Well, during one period here in the--oh, I suppose--the late 70s and early 80s, I was one of the few attorneys in western Minnesota that was handling MIDA bonds issues; and a lot of--

BJ: MIDA bond--we better explain.

WD: Municipal Industrial Development bond. It's a municipal bond that's issued by the community; and since it's a municipal obligation, the interest on it is not taxable, as income, either federally or by the State of Minnesota. This enables the MIDA bond to have a lower rate of interest and generate, really, a commensurate or higher rate of return to the investor than a normal corporate bond whose income is taxable. And American Crystal's office building was built on a MIDA bond issue by the City of Moorhead. Of course, the MIDA bonds are payable principal and interest solely out of revenues generated by the industry, so there is no public obligation attached; in other words, the full faith and credit of the taxing authority is not pledged to the repayment of the bonds. That was the first

bond issue that I did; and after getting that experience, a lot of people would ask me to handle MIDA bond issues for their particular business. A number of businesses in Moorhead constructed new plants or warehouses with MIDA bonds. American Bank and Trust Company new building on Center Avenue and 8th Street was constructed on a MIDA bond issue, and then I did some work on MIDA bonds in Breckenridge, Minnesota, for SIGCO, and as far east as Wadena and then some in East Grand Forks. So that was almost a unique service; there were very few lawyers that did that in this part of the state, and obviously the reason was that they didn't get a shot at starting to do it like I did with American Crystal's building, and just continued it on.

BJ: Are MIDA bonds still a factor?

WD: MIDA bonds are not as much of a factor as they used to be because of the fact that federal law has been changed and restricted their use considerably. The reason for that was that Congress had felt a monster had been established here--

BJ: which was draining tax resources very fast. [Laughter]

WD: Right. So they restricted the use of MIDA bonds; and, you know, they were used for things like restaurants and golf courses and amusement centers and this sort of thing for which they were never intended, really, in the first place. They were municipal industrial development bonds. Then the word industry started to get a broader and broader definition until Congress finally put a stop to it.

BJ: Well, those are two interesting things and things that really had an impact on this community. We can go on--are there others? [Laughter]

WD: Well, no, not really that come to mind right now. Maybe as we go along, there would be some. Those are really the two major things and, of course, the far greater one is the American Crystal acquisition.

BJ: I think it would be interesting just to look back now, and I was very impressed by your comparison between 1954 and today as far as the state of the profession is concerned, and to just speculate, what are some of the circumstances that have caused that explosion? Certainly, it's not the same ratio of increase that the population has enjoyed. I don't know--what was the population in Moorhead in '54? About half of what it is now?

WD: I would guess that we're just over 30,000 now and we were probably just over 15,000 at that time.

BJ: So, if it was just population, you could say, "Well, if you have the same ratio of lawyers per thousand people, you'd have 22 now, or something like that." We have almost three times that.

WD: There's no real hard data, but if you (three times that) have 58 lawyers now and had 11 in 1954 actively practicing, that would be four, five times as many lawyers now as there

were in 1954. But, as I said, there is no hard data on which to base any conclusion as to the reason for this.

BJ: You don't think it says anything about our society?

WD: Well, yes [laughter], but it's kind of speculation. I think we've become more litigation minded, more quick to sue for an alleged affront than we were prior to World War II. I think also the growth of business from agriculture to industrial/commercial produces more legal business to be taken care of by lawyers. The increasing complexity of our laws--you know, I used to say when I was in the legislature, the only time we don't do the public a whole lot of harm is when we're not in session. [Laughter] There is an old quotation from a New York Supreme Court case that says "No man's life, liberty, or property are safe while the legislature is in session." So, really our laws have become more complex. Our tax laws have become more complex, and this all generates business for lawyers and creates a demand for them and increases their numbers. Now, there may be some other factors involved--I don't know--but I think those are the main ones.

BJ: One possible addition, I suppose, is that we have a population that bright, young folks look for opportunities that they may not even have dreamed of earlier. And the kind of upward mobility we've experienced since World War II meant that there were a lot of people seeking professional opportunities and maybe the supply even has gone beyond the demand--I don't know. My impression is that not all lawyers are as busy as they would like to be, for example.

WD: Well, I think that's quite true, and our law schools geared up and started turning out lawyers, a number of whom did not find work directly in the private practice of law. And they are doing other business related things, generally in the larger cities, for which a legal education fits them out pretty well; but it's not really the practice of law.

BJ: Well, let's talk about politics.

WD: Oh, I was going to say, too--there were a number of years when resumes would come across our desk in large numbers indicating that law school graduates were not getting placed as fast as they would like to be and where those people have gone, I'm not sure, but it's obviously into other lines of work.

BJ: Okay, politics. Were you always a Republican?

WD: Oh, I think so. My father ran for Congress as Republican in Chicago at the same time my grandfather ran for Congress here in Moorhead, Minnesota, as a Republican. That was back in the mid-30s. I think some people have a theory that your partisan politics is genetically determined at birth [laughter]. I doubt if that's true, but there's no doubt--

BJ: one strays from the family heritage with difficulty.

WD: Yes, I think that's probably true. But I am basically conservative by nature on financial issues and probably on a number of social issues.

BJ: You were active in the party prior to running?

WD: No, my father was. I was not active in the party prior to running; and that created some problems, of course. We did run in Minnesota at that time for the legislature on what was called a no-party ballot. There was no party designation for legislators. We ran on the same ballot as the County Commissioners and the County officers, and so they were not labeled either Republican or Democrat. The legislature, when it convened each January in the odd-numbered year at that time, would organize as conservative and liberal caucuses, the Democrats generally being the liberal caucus and the Republicans generally being the conservative caucus, although not precisely so. There were Democrats who considered themselves Jeffersonian Democrats, conservative Democrats who would caucus conservative. And there were Republicans who considered themselves on the verge of ushering in the grand new life who would caucus liberal. So, the partisan politics in the legislature was much less pronounced than it is today. But, as I said, it caused some problems because when I ran for the Senate I ran against a conservative incumbent--Magnus Wefald, an attorney from Hawley, Minnesota--and the party seniors didn't think that was proper.

BJ: A young upstart doing something like that, huh?

WD: That's quite true, but after I was the top vote getter in the primary and Senator Wefald was eliminated and the other candidate running in the general election was an announced liberal, the party had little that it could do but support me.

BJ: So they rallied.

WD: Grudgingly so, yes. [Laughter] They did rally.

BJ: Who did you run against that first time, then?

WD: Ole Shermoen from Dilworth. He was a very well liked, well respected individual from Dilworth and a person that I thought well of, while not agreeing with some of the politics he expressed. So I was successful in that election, I suppose by about 750 votes or something like that out of 15,000 that were cast. The vote in Dilworth was interesting, though. Dilworth cast a fairly heavy vote that election, I think maybe around 1500 votes. I recall I got 57 votes. The remark was there was just enough lampposts in Dilworth to hang those 57 if they could find them. [Laughter] The committee really rallied around Mr. Shermoen, as well it should have.

BJ: Small enough community that nearly everybody knew him, I expect.

Well, let's just talk about campaigning a little bit. You had four terms?

WD: Yes, I had four elections, and I had four terms. Now, normally those are 4-year terms, so you would have thought I would have served 16 years; however, the federal census in 1970 required redistricting so it cut off the term at 2 years, so that's why I served 12 years. As you know, during that period of time from 1959 to 1972, the United States Supreme Court gave several decisions which required legislatures to be apportioned on a one-man, one-vote rule, which had never been the case prior to that time. The rural areas of the state had perhaps one State Senator for every 25,000 people or something of that nature, and I remember Alf Bergrud [phonetic], Senator Bergrud, represented suburban Hennepin County and he represented more people than the population of the State of Alaska at the time--some 300,000 constituents. Clay and Wilkin County, the district I represented, had around 40,000, which taking the total population of the state and dividing it by 67 senate districts, that would have been about right; but elsewhere, the things were skewed very badly. So the reapportionment that was required as reason for the '70 census cut short the term to 2 years. Now we did have a reapportionment part of that time after the '60 census also, and that was a court-drawn reapportionment because the Legislature couldn't agree.

BJ: How actively did you have to campaign?

WD: Well, the first time--1958--I campaigned essentially full time, I think, from, oh, the first of July until the election. It was a very personal campaign, a legislative campaign. You knock on doors--every door you can; and you still can't get to them all, even if you're doing it full time in a senate district. It's so far between doors in a rural area. And then there was radio advertising and some newspaper advertising--very little television advertising. I was remembering the night before the election I stayed up to see my television ad which was, I think, 15 seconds sandwiched in between 30 or 40 other 15-second television ads for candidates [laughter], and I then and there decided it had very little impact, so that's not very good for a legislative candidate. But campaigning was very time consuming, but then again very enjoyable. I guess I'm to some degree a people person, so I enjoyed getting around and shaking hands and talking with people at every farm auction, the County Fair, church suppers--every place where two or more would gather, I would have to try and be there. [Laughter]

BJ: Financing it?

WD: Financing--the first election was by local contributions, each of a modest amount. As a matter of fact, that's about the way all of mine were financed. There was no such thing as a PAC at the time, and you'd try to put together a finance committee that would go out and raise money and put together a budget and spend it. But, as you did not do much in the way of paid advertising, your printed material was about the most expensive part of it; and, of course, that is not terribly expensive. I don't recall the numbers, but those campaigns are a lot less than they are today. I think public financing of a senate campaign today is limited to somewhere around \$40,000, but my first campaign may have been in the \$5,000 range.

BJ: It's one of the blessings of television, for one thing. It's so costly.

As you entered as a freshman Senator, did you get some good committee assignments?

WD: Freshmen Senators were not allowed on either the Tax or Finance Committee. I was on the Welfare Committee--Welfare and Corrections--and the Local Government Committee and then later on the Education Committee; but they were fairly decent committee assignments. I was on the General Legislation Committee which handled such weighty matters as Daylight Saving Time [laughter] and that sort of thing. They were relatively good committee assignments and interesting, generally interesting, subject matter. The Local Government Committee was, in fact, particularly interesting because we had just adopted in the 1958 election a constitutional amendment which facilitated the use of special legislation for local governments; in other words, the City of Moorhead could apply to have a specific law designed exactly for them.

BJ: Apply only to them.

WD: Apply only to the City of Moorhead. Prior to that time the law had to read something like this: "That any city of the third class on the western border of Minnesota that had a population between 10,000 and 20,000, this or that would apply." And obviously as you're going through the list of these special laws, after they are a few years old, you are trying to figure out to whom do they apply; and it got to be just a mess. Thereafter (after the 1958 constitutional amendment), the specific legislative act would recite the name of the community. Well, this opened up a whole new vista for communities asking for things, some of which were considered good and others of which were considered not so good by the Legislature. But then again if a legislator cannot bring home to his local community the local law that they specifically asked him to get for them, he was in some sort of trouble. So, as you're trying to differentiate between what you might consider good legislative policy or good public policy and what you might consider poor public policy with respect to local units of government, you're always treading on someone's toes in a very personal manner because they have to bring that piece of legislation back home.

[Begin Tape 1, Side 2]

BJ: Now you moved on, obviously, to other committee assignments; and what do you consider your most interesting and productive ones?

WD: Well, I think the Finance Committee was my most interesting and productive committee. The Finance Committee at that time, and I believe still is, operated as a series of subcommittees; and I was Chairman in the later years of the Welfare and Corrections Subcommittee so I had full responsibility as far as the Senate was concerned of the Welfare budget and the Corrections budget for the State of Minnesota And as you know, today even, there is quite a human outcry on the cost of those two budgets in the State of Minnesota; and it was the same way then. So you're always trying to strike a balance between being fiscally appropriate and being socially appropriate; and depending on who[m] you talk to, those two appropriatenesses may not coincide.

BJ: Let's talk about [the] State of Minnesota a little bit. You were certainly active in the Senate at a time when those issues, particularly resources for education, for example, were very crucial at that time. Higher education, well, all of education, was going through a fantastic growth period; but also various social needs were being met. Minnesota has a reputation of being a very progressive state and certainly has been willing to devote resources to a lot of social needs that other states have not. What's your perspective on the State of Minnesota as it relates to the other states and your particular role as you tried to thread that particular maze?

WD: Well, both education and welfare and corrections--those are three large budget areas. Running the state office itself, the state departments, is not so large. During the 60s, you have to remember, that we had a period of inflation; and the tax laws, mainly the income tax laws, which was our major revenue producer, was yielding additional revenue every year at existing rates. They used to say that during the 60s it was fun to be in government because you always had a little more money every biennium, every session--

BJ: That you could play with.

WD: That you could distribute; and things have not gone that way in the later 70s and the 80s.

BJ: Kill the golden goose.

WD: I think I was always regarded as being very helpful to education; but, of course, Moorhead State University was in my district and I always, I think, was considered as being very helpful to education. But the difficulty of providing funding in these areas was not as great back in the 60s as it is today because of those circumstances we mentioned.

BJ: You left about the right time.

WD: Hopefully. I think my timing has been impeccable. [Laughter]

BJ: It got tougher and tougher. I think Keith Langseth said he had maybe one term while he was in the Senate there, with Doug Sillers. Doug and Keith were talking. Maybe both of them had a term where it wasn't too bad; they were still [unclear], and then it really got very difficult.

WD: I think it was fortuitous to run for election in '58; you could almost see the handwriting on the wall that someone other than Senator Wefald was going to be elected. Timing, I think, there was good. And leaving in '72 just prior to the time the Legislature went to annual sessions and just prior to the time that the difficulty in funding turned around--it worked out well to leave at that time.

BJ: Did you have a formal leadership role there--Whip or Majority Leader?

WD: No, I did not.

BJ: Did you chair a committee?

WD: Well, I chaired the first, the Local Government Committee; and then, of course, during my entire stay in the Legislature, I was on the Judiciary Committee, which is an interesting committee--obviously interesting for lawyers--and very interesting for some non-lawyers, too. And my last term I was Chairman of the Judiciary Committee which is a senior committee chairmanship, as well as being chairman of the Welfare and Corrections Subcommittee of Finance, which is probably a larger job than the chairmanship of a number of other full committees. And I was on the State Civil Administration Committee which had really jurisdiction over the state departments generally; and while I was on that committee, as a matter of fact, we passed one of the first pollution control agency laws in the Upper Midwest--went a large way toward improving the environment. That was the first major step. Prior to that time there were just single shots at it now and then, so there was really some very good work done by that Civil Administration Committee in the mid 60s.

BJ: Now, if you were chair of a committee, you were obviously a member of the majority party.

WD: That's correct.

BJ: So, was it a Republican Senate all the time you were there?

WD: The conservative caucus was always in the majority during the time I was there [laughter] which equates to generally Republican.

BJ: It is interesting, isn't it, that the tax law was such that a good deal of resources could be devoted to various social needs and even a conservative could feel comfortable doing that under the particular circumstances.

WD: Yes, that's true. At times the total spending package adopted by the conservative Senate would exceed the total spending package adopted by the liberal House; and then they would go to conference committee on each particular bill and get them ironed out. But that did occur in at least one biennium that I was down there.

BJ: Governors that you worked with--anything memorable there?

WD: You know, you can tell war stories all the time--how interesting they are to the historian who is supposed to be listening to this tape in the future, I don't know.

The first Governor was Orville Freeman, and I remember being formally introduced to him by a member of his staff that I knew. It was over at the St. Paul Athletic Club. I'd been in the steam room, and he'd been weight lifting, and we met in the shower. [laughter] Pleased to met you, Governor.

Then, of course, the Lieutenant Governor was Karl Rolvaag; he became Governor after that, and then you will recall that Sandy Keith wanted to be Governor; and [in] the famous book by Lebedoff [phonetic], The 21st Ballot, he won the endorsement but lost the election--the primary election--to Rolvaag.

Then, Elmer L. became Governor--I don't know if I have them in the right order--Elmer L. Anderson; and we had the attorney from South St. Paul--oh, gosh, I forget his name now; but there were a half dozen governors or so that I worked with. They all had their pluses; they were all competent people; but then when there was the recount election where we didn't have a Governor for 50 days, we really did because the incumbent Governor stayed on during the recount. But, the saying used to be, "Well, maybe we don't really need one." [Laughter]

BJ: Well, if you were to kind of capsule what you consider either your most enjoyable or most memorable accomplishment in the Legislature, could you do that?

WD: Well, I think getting some kind of control. At least I'd felt I was author of some legislation that got some control on welfare spending, which was starting to get quite, well, being criticized in many, many circles. So the last session I was there, Anderson was Governor; and there was a call to veto the welfare appropriation bill that I'd accomplished; and Wendell Anderson, Wendy, called me up and asked me if I could come down to his office. We went through the bill, and he said, "Geez," he said, "I think you did a hell of a good job; I'm going to sign it." [Laughter]

BJ: So that's something you can really satisfaction in.

WD: Yeah, so I enjoyed my stay in the Legislature. I think there is a saying among physicians, at least, that you don't remember pain. There were a lot of painful activities down there that, you know, made it difficult. It was very time consuming, and I don't know that anyone really realizes how hard legislators are called upon to work. We would start committee meetings.

BJ: Both in session and campaign both.

WD: Yes, and even out of session attending to the ombudsman needs of the district. But we would start--as we got the session moving along--we would start committee meetings at 7 in the morning and sometimes we wouldn't get out of there until midnight. And so that got to be pretty difficult.

BJ: And drafting legislation is no small task.

WD: That's true. I used to like to draft legislation. Now I guess they won't let you do it anymore. You have to have it approved by the Reviser of Statutes office, which I would have considered quite an affront to an elected official if I were there. But most of the time you did work with the Reviser of Statutes office. And I remember one piece of legislation particularly, and I don't know if you recall the Minnesota Supreme Court case of Spinell

[phonetic] vs. Mounds View School District. This young Spinell girl was in junior high school, and some people were lifting a piano off of a stage and she was either helping or participating in some fashion and the piano fell on her and severely injured her. She sued the school district; and, of course, the court said "I'm sorry, you know, no recovery can be had against the school district because of sovereign immunity"; and that case went to the Minnesota Supreme Court and the Minnesota Supreme Court agreed with the trial court and said, "Yes, the doctrine in Minnesota today is sovereign immunity, but we consider sovereign immunity outmoded and no longer at all appropriate for the State of Minnesota; and if the Legislature, in its upcoming session, does not do away with sovereign immunity, we will do it judicially holding this case as the vehicle or in some fashion." Well, of course, that threw everything--all of the public sector (municipalities, school districts, and what have you)--into a real turmoil. What was going to be done?

BJ: Terrifying.

WD: Bills were introduced to completely eliminate sovereign immunity, and I sat down and thought, "Well, why don't we take kind of a middle ground approach here." Realize this was in the mid-60s, so the numbers don't sound the same as they would today; but I had the outline of a bill and had the reviser draft it that would put a limit of \$50,000 on the recovery by any individual against any unit of government and then, you know, a restriction of I think it was \$300,000 on the recovery that could be had by all individuals involved in the same mishap. Now, the big bugaboo--they would always recite, "Oh, the bleacher collapse--you know--5,000 people." So that eventually became the law. Now that was a very difficult thing to get adopted because there were people that wanted sovereign immunity completely eliminated who weren't satisfied with it and there were people who felt that the court would not really be able to undo sovereign immunity judicially who wanted absolutely nothing to do with that bill; but it finally became the middle ground that was adopted by the Legislature and after that the same subject, of course, was coming up in many other states. And I would receive calls from legislators from other states asking for a copy of the bill and my thoughts concerning it. In fact, some came to St. Paul to talk to me about it--legislators from other states. And I understand that bill, at that time, became sort of the pattern for the first legislation in that area in other states; so it worked out very well. It's undergone some changes in the meantime, but still the basic concept is there. The numbers have been changed, and so on. I believe the state of Minnesota has been included now, which wasn't. I couldn't get that into my bill; I wanted to, but that was the last straw. They weren't going to insist? resist? [unclear] over that. [Laughter]

BJ: You can sue the federal government!

WD: Then, in another bill--another concept that I developed--I was on the Retirements Commission; and it became obvious that the police and fire retirement associations municipally around the state were headed for deep disaster. They had retirement at age 55 after as little as 20 years of service; the pay was 50% for the retirement. Annuity was 50% of the pay of the office from which you retired on a year-to-year basis. So, if you retired as patrolman, your pay would escalate with the pay of active-duty patrolmen. Full escalation, a final salary--not even a 5-year average but a final salary plan, full escalation, and no

contributions or very little contributions. And there were humongous deficits in all of these funds. The most notable, Minneapolis, had large millions of dollars of deficits in their plans. And there was no requirement that those plans be funded by the full faith and credit of the municipality. So, if it ran out of money, nobody got their pension. The city didn't have to put the money in. So I developed a concept of freezing the deficit and then gradually eliminating it over 10 years; and by freezing the deficit, I mean if the deficit, let's say in the Moorhead plan for the police, was \$500,000, you'd assume that \$500,000 was there and invest it and the City would have to put in the amount that \$500,000 would have earned. That keeps the deficit from going any further by reason of the lack of money to be invested.

BJ: Shadow endowment.

WD: And then they would have to put in one-tenth of the deficit each year for the next ten years. That eventually became law. Now, of course, things have been changed since then, but that was the first time anybody was getting a real handle on the deficits that were being run up by these departments.

BJ: Ingenious solution that was really workable.

WD: And it made the cities responsible for the plans because everyone thought they were, but technically they weren't.

BJ: Yes, and I would expect if it was ever litigated, there would be some real question of the liability of the municipalities in that respect.

WD: But the only funding provided under the law was the rather minimum contributions of 2 or 3 or 6% of salary by the employees--that was the only required funding.

Well, those are some of the things that we thought were kind of benchmarks.

BJ: Did you continue being active in politics at all after you left the Senate?

WD: Well, yes, of course, when I was in the Senate I became active in the local Republican party; and I've continued to be active in the Republican party since I left the Senate. And up to now I've always been a delegate to the State Convention, the District Convention, and the County Convention. I've always attended the caucuses and so on. And it's been interesting; it's been enjoyable. I was one of the traditional chairmen of the County Convention. I've chaired the State Convention twice and chaired the District Convention on a number of occasions--I don't know how often; if you have a little working knowledge of Robert's Rules of Order, it's not all that tough. I enjoyed it. And I did have four elections. The second one I ran unopposed, and the fourth one I ran unopposed. The third one, the Chairman of the Political Science Department here at MSU ran against me; and I got 76% of the vote. It was an interesting campaign, an interesting election.

BJ: Was he trying to paint you in a particular manner?

WD: No, not really; he just made mistake after mistake in his campaigning, which didn't do him any good.

BJ: Well, you had a pretty good record, obviously, to rely on also.

Well, obviously your activities outside of your practice have not been confined to politics. There are some other things you have done. Let's talk about those. Certainly the one that comes to my mind is your service on the Board of Regents at the University of Minnesota. That's an appointed position?

WD: Well, that's a position to which you are elected by a very small electorate. You're elected to that position by the members of the Legislature; and before the Legislature became party designated, you would find Regents serving for many, many years--20 and 30 years, 35 years. Lester Melkerson [phonetic] from Minneapolis, Dan Gainey [phonetic] from Owatonna--those people served long terms in the Legislature despite change of control of the Legislature from liberal to conservative. When party designation came to be, the election of Regents was very strictly partisan--extremely partisan. No deviation allowed; man, you stand up there and be counted. So I was elected in '68 when there was a slight Republican majority in the Legislature and I was not re-elected in '74 when there was a slight Democratic majority. Now, this seat on the Board of Regents is the Seventh Congressional District seat, so it's the legislators from the Seventh Congressional District that caucus and elect their proposed candidate and then the slate was [unclear] developed by each Congressional district and by the joint meeting of the House and Senate Education Committees for the at-large seats on the Board of Regents. That slate is then carried to the joint convention of the House and Senate and traditionally, the recommendation of the Congressional District caucus is honored; and traditionally the recommendation of the joint meeting of the House and Senate Education Committee with respect to the at-large Regents is also honored. So, notwithstanding the fact that there was a Democratic majority in the Legislature itself, I was recommended by the Seventh Congressional District caucus because there was a slight Republican majority in that caucus; and that recommendation was honored by the joint convention.

BJ: Now, your years of service--there were?

WD: '78 to '84. I'm sorry. I may have misspoke. It's a six-year term.

BJ: And Malcolm Moos [phonetic] was President at that time?

WD: No, he was not. Let's see.

BJ: Oh, the man that went to Kansas.

WD: Yes, no--Missouri.

BJ: He came from New York and went to Missouri and whose name I cannot dredge up.

WD: I was just talking about him yesterday.

BJ: We'll probably never forget Kenneth Keller.

WD: No. [Laughter] Ken Keller replaced him. That was, of course, a disaster.

BJ: Now, you weren't on board when Keller--

WD: Yes, I was on board when Keller was selected, but then went off immediately thereafter.

BJ: So you didn't get in all the hooferah [phonetic]?

WD: No, the remodeling of Eastcliffe [phonetic] and the refurbishing of his office. What I think occurred there is the Board of Regents has specific guidelines for what size capital projects must be brought to them for approval; and if my memory serves me correctly, it's a capital project of \$50,000 or more. Obviously, the Board can't pass on every small capital project. But what I understand occurred is that the remodeling of Eastcliffe [phonetic] was broken down into a series of capital projects, each of which was less than \$50,000. And so the Board of Regents was never really aware on an official basis of what was happening over there; now maybe somebody would drive by and see this undertaking, and I understand the same was true for Keller's office.

BJ: So that actually, as far as you are concerned, the procedures of the Board were really okay; that is, the Board was able to exercise some kind of monitoring which should have mitigated against things like that. It's just that someone twisted the procedures just a little bit.

WD: Twisted the system. It was McGraw--Peter McGraw; Diane his wife. They went then to Missouri and later became separated and Peter remarried the widow of Coleman who was a liberal minority leader in the Senate when I was there. Nick Coleman. Nick and I were fairly close--contemporaries--rather enjoyed each other.

BJ: His son's the columnist of the St. Paul Pioneer Press.

WD: Yes, and she became the editor of the St. Paul Pioneer Press, and then she went to Washington to become the editor of a weekly news magazine; I forget the name of it.

BJ: Were those years--they weren't the stressful years.

WD: Oh, yes, yes.

BJ: So that you had all the demonstrations and--

WD: Yes, well, we had demonstrations. Earlier there were more and larger demonstrations against the Vietnam War and against military recruiting on campus and against the

various ROTC programs, and this sort of thing. But when you say, "Were these stressful years?" what I understood you to ask was about the financing of the school. That's when state revenues were dropping way below forecasts, the forecasts on which the budgets were built and the appropriations made, and then the money--

BJ: The kinds of things that Governor Quie inherited essentially.

WD: Yes, and so it was during Quie's time that I was on the Board, and we'd received notice from the state that appropriations were cut by reason of the shortfall in revenues.

BJ: After budgets had been established.

WD: Then, of course, we would have to retrench and reallocate, and it became very, very difficult. No one was ever happy with what you did because you were always taking from someone, trying to move the money around to the places of greatest need; and that was really extremely difficult, and I wonder if it wasn't more stressful than the demonstrations [laughter].

BJ: I can relate to all this. We went through the same thing, of course, at Moorhead State, in the middle of that.

As you think about the University (obviously, that was your school as far as law school), did you gain a perspective of the University as it related to its comparable institutions? Did you feel that it was holding its own? What kind of perspective did you have as a Regent?

WD: I think we see the University dropping in stature, if that's the right word, with respect to its graduate programs; in other words, maybe one time it would have been first, second, or third in the Big Ten and certain graduate programs had slipped to seventh or eighth. I'm not sure exactly who rates these institutions and how accurate the ratings are, but anyway it must serve as some indication. And a lot of that was the result of the funding problems that were had during that period of time. I think on the whole, though, the University does a good job of educating its students. Obviously, the place where it differs from other state institutions is the size of its graduate school, really, and professional schools. I think it does a good job. You know we used to say about the law school, "There's two ways to have a good law school: One way is to hire real good faculty, and the other way is to only allow the straight-A students to graduate." [Laughter] I think maybe the law school went through a period of time when it was trying to be great by the latter method, but now I think the law school has really forward-looking professors--Dean Stein [phonetic] is doing a good job; and I think [in] most of the graduate schools now, things have turned around and they are coming back; but there was a period there when things were suffering.

BJ: Minnesota certainly has a reputation of placing a very high priority on education; and, of course, our present Governor always likes to refer to himself as the "Education Governor." And I would gather from your work in the Senate and also on the Regents that you do place a very high priority on that, too.

WD: Oh, yes, yes, no question about it. I think one of the problems that faced the University was the growth of the state college system into the state university system and the large growth of students, Southwest being established. Then the state taking over all the junior colleges of the states, which were previously run by the local school districts, then the state's taking over to a large degree the technical schools. So now we've got state funding in all of these areas and the University is a smaller and smaller part of that total state picture; and it became exceedingly difficult for the Legislature to parcel out a finite amount of money and give the University what the University really felt that it needed whereas previously the University and the state college system, which was at that point a rather smaller system, compared to what it is today, the University maybe more than overshadowed it from the standpoint of legislative presence and was able to obtain a larger portion of the pie. But that's changed.

BJ: Then, unfortunately, the Keller episode and things like that haven't helped any in that matter.

One of the difficulties, and I'm wondering if you came to grips with that at all, as you look at the Twin Cities, wherein lies better than 50% of the population of the state, you have really only one state institution providing undergraduate education--that's the University--and yet the University, particularly under Keller's plan--Commitment to Excellence--really sought to minimize the undergraduate education and to say that they were going to limit access to that undergraduate education and going to provide more resources for graduate education, which on the face of it, was a very admirable thing because clearly there needs to be a graduate institution. It did, however, mean that there is a real vacuum almost as far as serving those students who want to remain residents in the Twin Cities for a 4-year undergraduate degree.

WD: You have the Metropolitan State University.

BJ: Very limited.

WD: That's a very limited school.

BJ: They are still reluctant, understandably; they don't have the resources now to really make that a full-fledged 4-year institution. I don't know whether you wrestled with that at all; it was pre-Keller's blueprint, I guess.

WD: Keller put it together under McGraw's presidency and then was attempting to implement it under his own presidency; and the matter of access was becoming more and more concerning to a number of Regents. I guess I felt that, you know, on balance we had to direct the University's resources toward the graduate/professional level and encourage the state to have other institutions take over the slack in the undergraduate area. And then, of course, that brings up the whole question of admission thresholds to undergraduate education. Where do you draw the line and how do you draw it and what makes us so smart we can say to anybody they can't enter, you know, and it gets to be a very political problem, a social problem.

BJ: Very much so.

You have been involved in other community activities. Can you sketch a few of those? I expect that you've been in various clubs and church.

WD: Yes. Well, we belong to the Lutheran Church of the Good Shepherd. I've been in the Chamber of Commerce, of course, for years. Earlier I was more active in the Chamber-- helped them rewrite their Articles of Incorporation, was on the Chamber Board for a period of time, one year I believe it was. But a lot of these activities were of necessity restricted because of the other things that I was doing. Sure, I was in the Jaycees like everybody else, but that was almost pre-legislative days, you know. Now, because of legislative service being so time consuming, I had little time for a lot of the community activities. In addition to that, I don't think people realize what time the Board of Regents takes. Sure, it meets once a month. I started figuring up the days and the hours of work and the reading and the things you've got to attend to by reason of being on the Board, and it became perfectly obvious that the time involved exceeded one work month per year.

BJ: If you're going to really do it right.

WD: If you're in the private practice of law, you don't make a nickel if you're not behind your desk turning out the work. So every time you're outside of your office, you are not producing; and so that gets to be a sacrifice. The Legislature, very much so; the Board of Regents, to a smaller degree.

BJ: Well, the last part of my agenda, at least, is to say the mike is yours and what have we failed to cover as we've tried to record this multi-faceted career of yours, particularly as it relates to Moorhead, I think, or Clay County. You were City Attorney; I don't know whether that--

WD: No, I never was.

BJ: You worked for the City you said. You did law work for the City.

WD: Well, I did the MIDA bond work, but the City Attorney could have done it, but the individual industry pays for it; and as such, then, they usually come to somebody who's done it before and in whom they have some confidence. The City Attorney will look over the documents from the City's perspective--the documents that we produce, look them over from the City's perspective, but does not really have a laboring oar in the process.

BJ: They don't incur a liability at all.

WD: No. We would also have the documents produced by the City's Bond Counsel, which was from Briggs and Morgan out of St. Paul; and to that degree the City was involved but then the local industry paid the fees of bond counsel in that regard, our fees, and also the fees of the City Attorney; so I was not really a City employee or working for the City.

One of the other things that it has been interesting to see develop is the public defender system. When I was first here, all the young lawyers in town--their name was on a roster, and when a person accused of a crime was brought before the judge, you know--"Do you have a lawyer?" "Nope." "Do you want one?" "Yup." You say to the Clerk, "Who's next on the list?" It would rotate among the younger--

BJ: So you all took your turns.

WD: Yeah, it was essentially a non-paying situation. But you would be allowed \$25 a day for every day spent in representing this fellow. Well, the days you were in trial, that was quite easy to calculate. But you wouldn't receive a full day for going up and entering a not-guilty plea or a full day for interviewing them or something, so it was almost essentially volunteer.

BJ: How often did you catch those assignments?

WD: I'd catch it about every third or fourth [laughter] person who wanted a lawyer, but then there did not seem to be as many people charged with crimes in those days, either. Now, of course, they have the public attorney's office; there's a head public attorney and a number of private attorneys that do public defender work.

BJ: And there's Legal Aid, too.

WD: So it's entirely a different system and the change has been gradual over these years, but very pronounced from 1954 to 80s.

BJ: The profession essentially assumed responsibility for this.

WD: That's right.

BJ: How long did that last?

WD: I forget when the public defender system went into effect--probably in the last 60s.

BJ: So you had maybe a decade of being involved in public defense.

WD: I don't know if there are any highlights in my life [laughter] that are worthy of discussion.

BJ: Well, you did have a number, I tell you. But I always like to see if my questions are leading in the right direction and I don't want to forestall any.

WD: No, I don't have any burning items to bring forward at all.

BJ: Then I guess we'll--see, I can't even tell him that we're---

[End of Interview]