

"Fat Guys Vs. Teeny Guys"

Federal Judge Miles Lord Makes Devoted Friends and Implacable Enemies By Acknowledging The Difference—And Being Himself

By Philly Murtha

Photography By Glenn Hagen

Inside a simple modern garage adjoining a three-year-old contemporary white brick house, a 1971 Datsun rests on its side with its belly showing. The bottom of the car has been lovingly healed of rust and the gnaw of winter by a welder's torch. Putting the car back together and finishing it with fiberglass won't win much attention but it will leave something more solid, more unified and more loved.

The man working with the torch on what he and his family call "the project" is not your general welder. He's U.S. Federal District Court Judge Miles Lord. Getting inside people's lives, trying to clean up *that* rust is what Miles Lord usually does. He's a man who wants to see society and the law work for "the little people."

Judge Lord sees all of us as being responsible to each other: "we *are* our brothers' keepers." It is easy to see

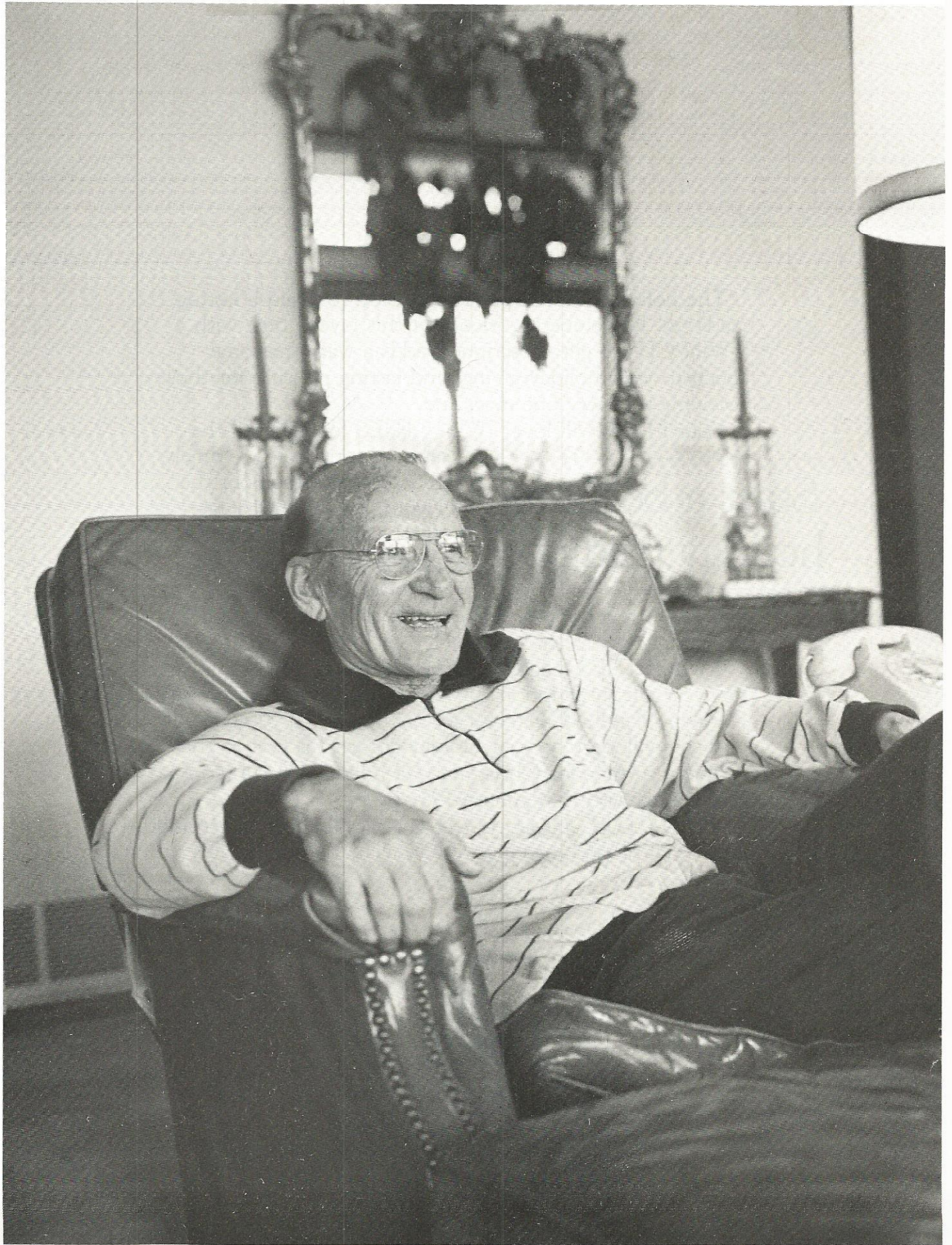
why the late Hubert Humphrey said Miles Lord would be "a people's judge." He *is* one of the people—even at his Christmas Lake home in Chanhassen.

Now 61, Lord grew up on the Iron Range and learned to box "just to keep ahead of six brothers." He's been a natural fighter ever since. He also grew up among beautiful lakes and forests, so it's been equally natural for Lord to stand strong in *Reserve Mining Company vs. Environmental Protection Agency* and the flood of litigation that followed that historic case.

Reserve was charged with polluting Lake Superior by dumping taconite tailings from its processing plant into the water. The initial complaint was filed in 1972. Four years later, after months of pretrial preparation and a lengthy trial that included testimony from more than 100 witnesses, Reserve was ordered to build an on-land disposal system. That became operational in April 1980.

In 1976 the Federal Appeals Court ordered Judge Lord removed from

Judge Miles Lord relaxes at home. Behind his ready smile and the countless stories and practical jokes is a man of social conscience.



the case. "He seems to have shed the robe of judge and to have assumed the mantle of the advocate," the court determined. In the court's opinion, Lord "deliberately denied due process of law to Reserve," and also "exhibited gross bias" against the mining company.

Judge Lord responded, "I have done my best to provide for maximum protection of the public's health consistent with due process to all concerned."

When he was taken off the case, a *New York Times* reporter wrote, "Lord set an example of social conscience." Attorney General Warren Spannaus said, "How unfortunate that the appeals court feels [it] necessary to remove a strong, intelligent, informed judge who cares deeply about the public's health."

In October 1981, after nearly 10 years of litigation, Reserve Mining agreed to pay \$1.8 million toward the cost of filtering municipal water from Lake Superior.

Miles Lord is a person who likes to have a good time by spinning stories often based on his own unusual experiences. That makes him a popular speaker, witness his recent appearances at the Minnesota Press Club, the William Mitchell Law School and KSTP radio. Entertaining comes as naturally to Lord as fighting and protecting the environment. He loves to talk about himself and what he believes in. He can be very funny.

He can also be very controversial. That means you don't have to look far for those who don't like Lord. He likes publicity and has made himself available to the media in a way that would cause most federal judges to break out in green blotches. But Lord refuses to conform to the traditional image of a tight-lipped, sedate, serious judge. Miles Lord is public and frank and his political views are out there for all to see.

Protecting the common people has

Miles and Maxine Lord: No matter what the informant says, he did not wheel her uptown in a baby buggy to earn ten cents.







Maxine Lord, left, joins daughter Ginger, Judge Lord and daughter Priscilla for a chat.

been Judge Lord's obsession from the start of his professional life. After graduating from the University of Minnesota Law School in 1948, he ran for the state senate from the old 34th District. He lost.

In January 1951, he was appointed assistant U.S. attorney. A few months later he discovered, while prosecuting an ex-convict in a routine stolen car case, the man had acquired a narcotics habit while in St. Cloud Reformatory. Lord brought that to the attention of Governor Luther Youngdahl and got permission to launch an investigation of narcotics traffic into the reformatory.

That helped Lord win a reputation as a superior courtroom performer. So did his efforts in tackling corrup-

tion in government, prosecuting local hoodlums for tax fraud, and helping to smash gambling rings. In 1954, at the age of 35, Lord was elected Minnesota attorney general in a DFL sweep.

He served two terms but resigned during his third term in May of 1960, after telling reporters that he was in line for an appointment to a state supreme court vacancy. Governor Orville Freeman gave it to another lawyer. One of Lord's former associates said at the time "there was apparently a misunderstanding in communications between them and so no one has the complete story." There was also speculation that Lord had had enough of politics. Originally he had said he only intended to be at-

torney general for one term.

A year before Lord resigned, he got into a public squabble with the chief justice of the state supreme court over daylight saving time. Chief Justice Roger Dell censured Lord for telling several local county attorneys to ignore a court order banning DST in Hennepin, Ramsey and Anoka counties.

Six weeks prior to resigning, Lord headed the prosecution efforts in the investigation of financial activities of the Sister Kenny Foundation.

Lord then tried private practice. But in less than a year he was appointed a district attorney by U.S. Attorney General Robert Kennedy.

(Continued on page 131)

During his five years as a federal district attorney, he prosecuted Benjamin Dranow, who had been indicted for tax fraud. The case was closely watched by the Justice Department because Dranow was an associate of Teamsters Union president James Hoffa, whom Lord later helped put behind bars. Lord also revived the Kenny case by trying several of the officers of the mailing firms in Chicago who had swindled the institute out of millions of dollars in fund-raising campaigns.

Since his appointment to the federal bench in 1966 by President Lyndon Johnson, Lord has been guided by his faith in the First Amendment and by his compassion for his fellow man. One of his critics says, "Anyone as liberal as he is just has to worship the First Amendment." According to Matthew Stark, executive director of the Minnesota Civil Liberties Union, Judge Lord is "a leader on the Minnesota federal bench in decisions upholding the constitutional rights of citizens in this state."

A 1978 American Civil Liberties Union study reported that Judge Lord scored well above the six other federal judges in the number of cases decided in favor of civil rights plaintiffs between 1965 and 1977. In the

civil rights area, Lord was among the first to say high school girls could participate in male sports. That was back in 1972.

Because Judge Lord values consumers' rights, he believes the growth of product liability law is one of the strongest law enforcement tools. In the largest class action antitrust case against five of the nation's leading drug manufacturers, Judge Lord pioneered new judicial procedures—including setting up a second jury box in his courtroom so one jury could hear evidence about drug companies overcharging consumers while the other jury studied actions concerning unfair competition.

Lord supervised repayment of \$40 million to 900,000 people in six Western states who had been overcharged for antibiotics. In another instance, he ordered restoration of \$280 million in food stamp funds impounded during the Nixon Administration.

"Being a judge is no popularity contest," Lord says. "It's like shouting in the wilderness." He has been called the champion of the underdog by those who revere him. His detractors call him a misguided zealot. Unpredictability is the fault most mentioned by lawyers who are critical of him as a judge.

Some lawyers say Lord sometimes tends to ignore evidence once he makes up his mind about a case, and that he makes rulings because he likes people. But he's been called "a very wily judge" even by those attorneys who resent what they see as his frequent interference in their cases.

Lord has been disciplined for getting directly involved in a case, but does not apologize. He considers himself an activist in court.

"Ordinarily a judge is thought of as a referee in a tug-of-war. He just watches them pull the knot back to see who wins," Lord says. "If I see that they have all the fat guys on one side and a little teeny skinny guy on the other side, I sometimes take a look to see whether the little guy is a lawyer without experience or ability. After all, the knot is somebody's future."

Lord says good lawyers sometimes "object to a judge helping the incompetent or underdog lawyer." But he feels clients should not be penalized because they made a bad choice. Lawyers *appear* to be equal; Lord says there's often a disparity in the way cases are presented. "We have to try to compensate for that. I think all judges do it but few of them admit it."

He's a performer in the courtroom and suggests that there's too much mystique surrounding the legal process. Lord simplifies and defines points for jury members. He speaks in plain language that makes plain folks feel closer to the legal profession because they can understand what's happening.

He may even tell a few jokes and ask a question that a lawyer might not care to have asked. The unique human qualities that Lord brings to the federal bench tend to offset real or imaginary deficiencies in his judicial temperament, according to several attorneys.

One attorney with a large Minneapolis law firm says that when Lord steps down, "he'll be one of the best-liked men in the Twin Cities."

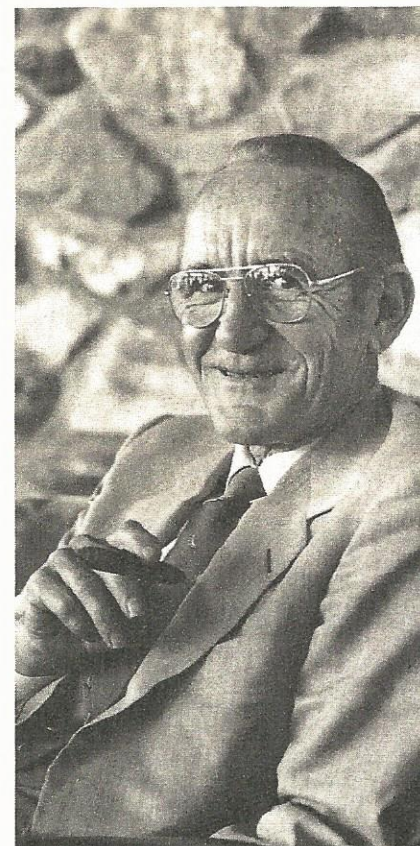
Judge Lord is respected for his in-

cisiveness and his ability to get right to the heart of the matter, but his tendency to favor the little guy is criticized. The clash of opinions never sounded more clearly than in two awards he received in 1980 and 1981.

First, *The American Lawyer*, a 23,000-circulation tabloid, called Miles Lord one of the 11 worst federal judges in the country. That poll was based on the conclusions of 30 unnamed lawyers. One of the criticisms was that Judge Lord was an "old-fashioned Midwest Populist." It was also said the judge loves to fight and is an advocate.

Some months later Miles Lord was singled out again. He was named "Outstanding Federal Trial Judge of the Year" by the 42,000-member Association of Trial Lawyers of America.

Lord was selected for being "a protector of the rights of consumers, workers, and environment" and for being "in the forefront of judicial innovation to insure that substantive rights are protected and not forfeited



Lord: "Like shouting in the wilderness."

or lost in a procedural morass."

Harry "Tex" Sieben Jr., a trial lawyer and speaker of the Minnesota House of Representatives, has known Miles Lord for 25 years. He calls Lord "one of the best," and says that opinion is shared by many trial lawyers. Sieben says no one cares more about people than Miles Lord. "He demonstrates it in the courtroom as well as in public life," the speaker says. "Even people who don't like him don't question his personal nature, or his qualities of humanness."

That deep concern for people personally and professionally is mentioned by attorney Leonard Lindquist of Lindquist & Vennum, who has known Lord since school days.

"He just doesn't want to see anybody hurt unjustly. Miles Lord is very concerned about children, the elderly, anyone who needs help, during times they're not able to take care of them-

selves," Lindquist says. A labor arbitrator, Lindquist says Miles Lord "gets to the guts of the issue, about as straightforward and quickly as anyone. He has the sense of what's right and what's just and that sense directs him in his questioning, in his deliberations and decision-making."

In his unassuming white brick house (designed by his secretary Sue Laukka's architect husband, Donald), Miles Lord gets away from it all at Christmas Lake. He can look out from his living room to a big grassy knoll, a carefully planted, bright flower garden and dock area bordering the Chanhassen lake. The jagged sienna stones in the fireplace are all from Minnesota, some from around Crosby-Ironton, where Judge Lord and his wife Maxine grew up.

The maples haven't turned yet but fall is in the air. It's late afternoon and Lord, his wife and children are clustered around the fireplace talking and drinking coffee. Light filters over the peach and purple patterned furniture. In one floor-to-ceiling window stands a tropical tree. Judge Lord sits back in his favorite old chair, something of a white elephant because Maxine has tried to replace it for several years. But it's part of the man, like his lake, his court, his stories, his politics.

The four children are Priscilla, Mick, Virginia (Ginger) and Jim. Three of them are in the legal field, and Mick is a sales vice president of a national trucking firm.

Priscilla Lord Faris and her husband Wayne are both lawyers and the parents of three children. Wayne says, "When we were living in Canada where I was a football coach, we didn't have television. So Miles sent us law books to read. I became interested in them. Then I came to Minneapolis and watched him in court. Now I'm a lawyer."

Jim Lord, 32, was elected state senator at 24. Now state treasurer, he quips with his dad, saying he may retire from politics.

Miles Lord says, "I remember having these young boys around the house. I always tried to inspire them. I would say, 'When I was 33, I was a constitutional officer. You fellas really have to get moving if you want to get ahead.' So one day Jim said, 'Dad,

you used to tell me that story about being 33 and being a constitutional officer. I'm 26 and I'm treasurer. Tell me that story again.'"

Miles and Jim Lord compare their years of elected office like wide-eyed children. The judge says, "I was only a constitutional officer six years. You've been one eight years. You're worn out, Jim."

Jim laughs and says, "I'm burned out. I better go be a judge."

Among Miles Lord's treasures, he says, are his friendships. "The common denominator of politics makes almost every politician a personal friend," and he mentions three whom he most admires. He likes former President Harry S. Truman for his courage and he admires his son Jim for the decisions he has made as treasurer. (He notes Jim may yet run for a seat in the U.S. Senate.)

But the judge especially values the man who was comrade, ally, crony, fishing and hunting friend and practically a brother—Hubert Humphrey.

"For consistent, long-term performance and sheer brilliance, Hubert Humphrey stood head and shoulders above any man I've ever met. If they could have cloned him, we would have had a better world. Humphrey was so brilliant that he sometimes even surprised himself. After a speech, Humphrey would say, 'Where'd that phrase come from?'"

Miles and Maxine Lord grew up in Crosby-Ironton in the east end of the Cuyuna Range with its pulpwood and lumber industry and its iron mines. Miles was the eighth of nine children. He came from New England lumber people—mostly English, Scottish and Irish. Lord's family first settled on farms and he remembers lots of mostly white sand. He says, "If they had settled on land down by New Ulm, we would all have been rich."

The judge says he first met Maxine, whose dad owned a small mining company, when she was a little girl.

"Her brother gave me 10 cents to wheel her in a baby buggy from uptown to their home which was three blocks in Ironton," recalls Miles Lord.

"What a fib," Maxine scolds. So Lord reexamines the case. Then he says he met her when she visited her grandmother. He was the neighborhood paper boy.

He proudly points out that he took up boxing to deal with his six brothers. But he also recalls his days as a Golden Gloves boxer. "I fought for the championship of the Upper Midwest. I was a middleweight. Harry Thomas fought Joe Louis for the world's championship in about 1936. And within a few months, I fought Harry Thomas. It wasn't difficult. He just couldn't catch me," he says.

Lord holds his fat cigar like a prop, sits back and reminisces: "One time in Aitkin, when I was going with Maxine, we didn't have any money and we went to the county fair. There were these carnival boxers. There was a little guy, a big guy and a giant. I needed the money, so I fought the little guy and I licked him so they said fight the next guy. I fought him and then they said fight the giant. He was bigger than Primo Carnera.

"And then I got one of the greatest surprises of my life. I went out into the ring and he says, 'Lord, please take it easy on me, will you?'"

The family laughs at a story they've probably heard at least once before.

"I never had in my mind to be anything but a lawyer," Lord says. "That's why I quit fighting, so I wouldn't get my brains knocked out. When you start seeing lights and jerking a bit, then it's time to quit."

The judge dissuaded his sons from the sport. "I thought there were better qualities to promote than the aggressive qualities that are brought out by being a fighter."

Judge Lord did, however, encourage his children to participate in Young Life, a Christian youth organization. "Three of my kids were in it. I saw this Young Life group move in and take kids at a very tender age, 15 or so, and give them some good religious precepts, companionship and inspiration. Young Life people would go into schools where things were rather loose and take over leadership by working with football players, cheerleaders and class officers," Lord explains. "Kids would go to meetings where they'd hear a sermonette, sing a few songs, have a Coke and go home."

About the same time, Congressman Al Quie's kids were in Young Life in Washington. Because of the similarity in their feelings about Young Life, Miles Lord and Quie and Dr. Alvin Rogness, President Emeritus of Luther Seminary, got together with Young Life's Ken Wright to organize Youth Leadership Minnesota.

Dr. Gary Downing, present executive director of the program and an adjunct minister at Colonial Congregational Church in Edina, says, "Judge Lord has helped defuse a lot of difficult situations during board meetings with his wonderful sense of humor. He'll tell a story about himself, and I think it's why some of the seminary presidents continue to come to meetings."

The Lords' youngest daughter Ginger says, "I think Dad has some of Hubert Humphrey's qualities. He really aligns himself with people's causes,

to the point he doesn't care what happens to himself."

Miles Lord simply calls himself "a natural-born rescuer." He has saved seven people from drowning, although he cannot remember all their names. But he does remember a story of a rescue on a train trip from Austria to Italy.

"A lady died right there in the car with me," Lord begins. "Nobody could speak English but Maxine and I. Somebody pointed to the lady. I laid her down. She was 70 or so and so white or gray and her eyes didn't focus. I gave her a heart massage and then mouth-to-mouth resuscitation, hard as it was. It would have been easier if she'd been 50 years younger," he chuckles. "And, by golly, I brought her back. Pretty quick she was up at the train station. And she was blowing kisses through the window as we left."

But life is not all kisses, even for natural-born rescuers: "I've had disastrous results in rescuing people, too. I followed a poor little old man down the road between Hutchinson and Minneapolis. He was having a terrible time, zigzagging across the road. Finally I pulled ahead of him and stopped him. I got out and went back to his car and asked him if I could drive him home. He was a little old man with a high collar and bowler. And he said, 'Well, you damn fool, if you'd get your bright lights out of my eyes, I could drive all right!'"

There is an outlandish side to Miles Lord which led him to dress in costumes and make life miserable for Hubert Humphrey. Once, when the two were visiting a small town, Lord ran ahead of Humphrey, got on a bus and told the passengers some guy was in the area impersonating a U.S. senator—and that he even *looked* something like Hubert Humphrey.

When H.H.H. boarded the bus, he grabbed a few hands and slapped a few backs—and got silence. He finally introduced himself as Senator Hubert Humphrey and someone yelled, "Yeah, and I'm Pat Brown!"

Sometimes the Miles Lord humor is directed at the press. TV newsman Chick McCuen remembers the time he was in a supermarket at Christmas Lake. "All of a sudden I heard this

voice over the loudspeaker say, 'Ladies and gentlemen, this is Miles Lord, your attorney general. This is urgent. Hang on to your wallets and pocketbooks because I just spotted Chick McCuen in the store.'"

Lord's warning worked to perfection: not a single item was reported stolen from the supermarket that entire day.

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