



"I believe in a liberal arts education," says Russell Anderson '64. "There's time enough to learn a profession, and undergraduate students should focus on the liberal arts, which bring joy and meaning to life."

# Fair and Impartial: Russell A. Anderson '64

By Karen K. Hansen '77 PHOTOGRAPHED BY BILL KELLEY

FOR THE PAST 25 YEARS, Russell A. Anderson, chief justice of the Minnesota Supreme Court, has worked along side judges, administrators and lawyers to improve the justice system in Minnesota, by doing everything from enhancing court sensitivity and effectiveness in domestic violence issues to promoting problem-solving courts that focus more on rehabilitation than punishment.

Anderson and his colleagues have supported the establishment of a new governance structure responsible for setting administrative policies in the courts, supported the improvement of the court information system, and increased public awareness of the threat to fair and impartial courts in Minnesota. Anderson rightly believes that people who come to court deserve rulings by judges based solely on the law and the facts of the cases — judges unswayed by the sources and size of contributions to judicial election campaigns.

"I like to think of these improvements to Minnesota's justice system as our legacy," he says.

A history major, Anderson attributes an early academic lesson at St. Olaf to influencing his vocation. "I didn't do very well on a world history exam my freshman year. I was heartbroken. Dr. Crossley told me it was obvious I knew the material, but I did not answer the questions," he says. "That's a wonderful experience when you talk about evolving into the law. Once you identify the question, you're well on your way to finding the answer."

Anderson earned his Juris Doctorate in 1968 from the University of Minnesota Law School. "Studying law is much different than the liberal arts. I have great affection for both places, but I love St. Olaf," says Anderson. "What I learned at St. Olaf was almost a ritual for living — making time for family, putting the work aside, having time for silence and reflection, time for worship and service to others. I do not pretend to be a role model for any of this, but its emphasis has been a constant in my life."

Anderson will always remember the words that St. Olaf President Dr. Sidney Rand spoke on Manitou Field in September 1963 as he began his senior year at St. Olaf. "I had a bird's eye view of this event as I was then the president of the student body." In his inaugural response that day, Dr. Rand set forth his creed. He said:

*I believe in God, present, powerful, kind and good, known best to me in the life and world-redeeming work of One who is called His Son, my brother Jesus Christ. I believe in people, the finest work of God in this world, capable of desperate evil things, but also capable of greatness and contributions of good to the lives of one another. I believe in education by which men and women are able to become what they were meant to be, wise and committed to truth. I believe in work, hard work. I believe there is no good life apart from work. I believe in the future. And I believe the future is brightest in the care of well-educated and dedicated young men and women. I believe in St. Olaf College. And I believe it must ever be a community of those who together seek to enrich the lives of one another and leave this a better world.*

"It is a value system that never left me," says Anderson.

Following law school, Anderson served in the U.S. Navy Judge Advocate General's Corps (JAG) during the Vietnam War, rising to the position of base legal officer in Sasebo, Japan, during a three-year tour of duty. Later, while working in Washington, D.C., Anderson earned a Master of Laws in international law at George Washington University. Anderson says he learned a great deal of criminal law as a young naval

officer both prosecuting and defending members of the military at courts martial.

In addition to prosecuting and defending individuals in U.S. military courts, he explains that "when American servicemen were charged with crimes on Japanese soil, I would attend Japanese courts with my interpreter and write reports regarding the proceedings to the ambassador in Tokyo." Anderson also obtained administrative law experience as JAG officer.

Returning home to northern Minnesota, Anderson added private practice to his experience, as well as service as a Beltrami county attorney from 1978 to 1982. He jokes about being elected because he was related to 90 percent of the voters, but perhaps it was his campaign technique: rolling into town playing piano on the back of a flatbed truck. Chambered in Crookston, Minn., Anderson was chief judge for the Ninth Judicial District when, in 1998, Minnesota Governor Arne Carlson appointed him to the state supreme court. Eight years later, Governor Tim Pawlenty appointed him chief justice.

## STRENGTH OF CHARACTER

Russell Anderson's judicial colleagues not only respect him, but they also like to quote him: "We see people at the most vulnerable times of their lives." Anderson has said, "Every case is one human circumstance at a time."

U.S. District Court Judge Joan Ericksen '76 met Anderson on the day their appointments as supreme court associate justices were announced. "Russ was very experienced and thoughtful on matters of criminal procedures," says Ericksen. "If you don't have experience as a trial court judge or a real respect for the work of a trial court judge, you can essentially allow people to retry a case on appeal on a different theory. The thing about Russ is not only [his] temperament, but that he is so prepared."

Public perception of a chief justice — deliberations in chambers, rulings in robes and the occasional political brouhaha in the media spotlight — obscures the essence of the chief justice's 19-page job description of serving as the court system's chief administrator. Anderson helped lead the years-long transition to statewide funding and governance of Minnesota's courts by a judicial council. As he worked on developing the Minnesota Court Information System, he joked about wearing his garage door opener on his belt to present an image of someone who knows something about technology.

In the smile tugging at his lips, you can see Anderson's fabled stories coming. "In the stories [Anderson] tells, where the joke is on him, often there is a moral from which the listener could learn," says Minnesota Supreme Court Associate Justice Alan Page.

Indeed, humor is just one part of the Anderson equation. The sum also includes steely resolve, which he has directed toward solving intractable problems and against those opposed to progress.

"[Anderson] asks, 'What does the law say and lead us to,' and backs that up with whatever amount of research it takes to get the answer. If he has any biases, he parks them at the door," says former law clerk Susan Root Peterson '86.

He does more than park biases. Page, an African American, first encountered Anderson, a Norwegian American, on the Implementation Committee on Multicultural Diversity and Race Fairness in the Courts. "Not having any background information about him other than that he was the chief judge from the Ninth District, I remember him being clear and strong in a way that made it apparent he wasn't just

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there because he had to be," says Page. "He was there to bring about change."

For Anderson, it is not just the people who come before the bench who count. One of his hallmarks is getting to know court staff. That is why it was not just another case in the Ninth District in northern Minnesota, years ago, when a man shot his wife and killed himself. The woman involved had worked in the courthouse, and Anderson, a trial judge at the time, had signed an order of protection for her. After the shooting, he formed domestic violence councils in the communities he served, bringing together those who were involved with the issue: medical providers, law enforcement, social service providers, lawyers, prosecutors, judges and victims.

"We asked, collectively, what can we do to reduce domestic violence? Those resisting our efforts said that the home is a sanctuary and what happens there should stay there. Others argued that judges compromise their impartiality by discussing outside the courtroom the system's overall response to domestic violence," says Anderson. "Domestic violence continues to be a problem in our society, but I hope that our efforts have helped in reducing domestic violence here in Minnesota and on a larger scale."

Anderson's ground-breaking work was not welcome for some, according to Mary Lou Klas, a retired Ramsey County District

Court judge. "To say the least, he was swimming upstream. He never complained, but I'm sure it was difficult for him. He was a great help because he brought the perspective of the rural judge and the problems they faced." Anderson later chaired the Supreme Court Gender Fairness Implementation Committee and helped develop training programs for judges and others.

Klas believes the tenor of his voice makes a difference. "It still gets attention when a man has the courage to stand up and [make domestic violence] a community issue instead of a women's issue."

Anderson has also been a standard-bearer for drug courts, believing that it is more cost effective — and life saving — to invest in the toughest drug cases than in one-time offenders. He believes that problem-solving courts, such as drug courts, are succeeding and should continue to get support.

"Drug courts are an effort by the judiciary to effect change. The focus is on surrounding addicted offenders with treatment and support and daily and weekly attention so that they may overcome their addiction," he explains. "Some say that such efforts require too many resources, although the cost of simply confining offenders grows annually. Others argue that courts are to punish and deter offenders, not participate in their rehabilitation. My response is that we must try and address these issues within the courts or we will continue to have a revolving door

penal system. And of course, saving lives and helping offenders overcome their addictions and become contributing members of society is its own reward."

This past June, Anderson retired from his auspicious career as Minnesota supreme court justice and began a new lifestyle with his wife Kristin Ostby Anderson '66 — one that includes more time for family, travel, music, reflection, service ... and work. In addition to traveling around the world with Kristin and frequently visiting Chicago to spend time with their new granddaughter ("and her parents, of course"), Anderson, after years of reading briefs and case law, is enjoying uninterrupted time for recreational reading.

"The work of a supreme court justice, particularly the chief justice, is 24/7 so I'm taking time to decompress. My retired colleagues advised me not to make post-retirement plans during the first six months of retirement, and I've pretty much followed their advice," says Anderson. "I can say that I do not intend to go back but intend to go forward and take on new challenges in new venues. I hope to be available to help the courts and the bar when asked to do so. I will continue to assist in the ongoing effort to assure that we keep a fair and impartial judiciary in Minnesota." ❄️

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