

## Judge Harry MacLaughlin dies at 77; served on high court

Published May 5, 2005

Copyright permission granted by Star Tribune

Ben Cohen  
Staff Writer

U.S. District Judge Harry MacLaughlin, a former Minnesota Supreme Court associate justice, once faced a radical group in his courtroom. His courage under a threat of personal violence impressed his longtime friend and former law partner, former Vice President Walter Mondale.

MacLaughlin, of Bloomington, died of complications from pneumonia Tuesday in Edina. He was 77.

During the early 1990s, MacLaughlin was trying a case involving the Posse Comitatus, a paramilitary organization that recognizes no law enforcement authority other than the county sheriff. Federal law enforcement officials decided to beef up protection for the judge and his court. Mondale said there was a "fear of a risk to his life, but he did it."

Mondale had been impressed by MacLaughlin's legal abilities since they were classmates at the University of Minnesota Law School.

"I think he was one of the most impressive, important jurists in Minnesota history," said Mondale, who was best man at MacLaughlin's wedding and who, as vice president, swore in MacLaughlin to the federal judgeship.

MacLaughlin served actively on the federal bench from 1977 to 1992 and helped with cases in a senior status until the early 2000s.

Before his federal judgeship, MacLaughlin was an associate justice of the state Supreme Court from 1972 to '77. In 1975 he wrote the opinion in which the court abolished sovereign immunity, which said the state could not be sued for damages.

"We have always had one of the strongest benches in Minnesota. He was a classic example of that," Mondale said of MacLaughlin.

Another classmate and former partner, Blaine Harstad, recalled a favorite case of MacLaughlin's from the early 1980s. It involved Amish people in southeastern Minnesota, who refused for religious reasons to display bright red triangles on their horse-drawn buggies while traveling on the highways.

"It was a classic case of religious freedom. It was opposed by the government's right to force them to abide by highway statutes," Harstad said. MacLaughlin ruled in favor of the Amish.

Chief U.S. District Judge James Rosenbaum, who came before MacLaughlin as a defense attorney about 25 years ago, said MacLaughlin stood up to the federal government when necessary.

Government investigators had operated "other than honorably" in a particular case, Rosenbaum said, but after talking with MacLaughlin, federal prosecutors prudently reconsidered their position, he said.

Also active in DFL Party politics, MacLaughlin served as Mondale's chairman for his U.S. Senate campaign in 1966, and played a key role in Wendell Anderson's successful campaign for governor in 1970.

MacLaughlin was a law instructor at William Mitchell College of Law from 1958 to '63 and a lecturer at the University of Minnesota Law School from 1973 to '86.

MacLaughlin, who grew up in Wahpeton, N.D., served in the Navy in 1945 and '46.

He is survived by his wife of 47 years, Mary, of Bloomington; sons David of Minneapolis and Doug of Golden Valley; and three grandchildren.

A memorial service will be held at 2 p.m. Tuesday at Plymouth Congregational Church, 1900 Nicollet Av. S., Minneapolis.

.