

ABA Commission on Women in the Profession

Women Trailblazers in the Law

ORAL HISTORY

of

ROSALIE E. WAHL

Interviewer: Cara Lee T. Neville

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FIRST INTERVIEW

March 18, 2006

- Judge Neville: Alright, we're out at Rosalie Wahl's farm in Lake Elmo, Minnesota. We're sitting in the kitchen. This is Cara Lee Neville, and I'm sitting here with Justice Rosalie Wahl. The ABA Women in the Profession is interested in having an oral history of the Women Trailblazers, especially those who have won the coveted Margaret Brent Award. And I know Minnesota Women Lawyers, and I know I, personally nominated you for one of the early Margaret Brent Awards.
- Justice Wahl: I was one of the first five, and I was very proud that the Section of Legal Education also nominated me.
- Judge Neville: Everybody was sitting there, watching you get that award, and tears came to my eyes, and I was wondering, you received so many awards over the years, what about that award was different?
- Justice Wahl: I think it was the first time that the American Bar Association had, their Commission on Women -- was that the name of it?
- Judge Neville: Yes.
- Justice Wahl: Decided to, to honor women lawyers. And I'm sure it was because of the Commission on Women. You know, the ABA hadn't come up with it on their own before that time. And I can remember being called by Hillary Clinton, who was chair of the Commission, to tell me that they would like me to be one of the first ones. But she wanted to be sure I was going to be

there, because they weren't going to nominate somebody who wasn't going to show up, so I did. And it was very exciting. I mean, one of the things that excited me most, at this, it was a big ABA meeting, was that all of my friends from Minnesota came. And I was so touched by that. And I still remember the other four women who were there, they were just incredible.

Judge Neville: Special for us too, I can assure you. There's a lot of topics, a number of topics that I wanted to cover, and we can't get them all done today, but I'm going to talk to you about your involvement with the ABA, because I know that was very important to the ABA, what you've done for them, and it's important to you. And I wanted to talk to you about judicial elections, and how things have changed over the years, and judicial education, which has been something that you spent so much of your life working on. But right now, what I want to do is start at the beginning, and I have a picture of you in front of me and it's entitled Rosalie and her dogs. (Photo #1) Tell me about that picture, would you?

Justice Wahl: That's when I'm a baby actually. My father worked at this pump station. Those houses were where the families lived, and I was born in one of them. I think in this picture, I can't be more than a year or older, fourteen months something like that. And I'm in this little chair, and here are puppies, puppies all around my feet. So animals have been a part of my life.

Judge Neville: Where was this?

Justice Wahl: It was in Kansas. It was actually, there was this little town that no longer exists on the Walnut River, which is south of Wichita, and it was called Gordon, Gordon, Kansas. And this was across Walnut River was where this was. It was kind of away from whatever town there was. There are a lot of little ghost towns in Kansas.

Judge Neville: What was your name? What were you born as? What is your full name?

Justice Wahl: For what we know, my families, my father, mother, their name was Erwin. And I was named Sara Rosalie Erwin. And the Sara was from my Aunt Sara, no "h" on it. And I think my father's mother, my grandmother Erwin, whom I never knew, because she had died before I was born, her name was Sara, so I was named for family people. And Rosalie, I don't know where that came from. My sister Mary says, oh, she thought it up, because she thought I was so pretty.

Judge Neville: Did you have brothers and sisters?

Justice Wahl: I had two older sisters. My sister Jeanette was four years older, and my sister Mary was six years older. And then about eighteen months later, I had a little brother. So that was our family.

Judge Neville: When I see this, I've got another picture, and this one is Birch Creek School 1931-32. Teacher, Faye Simpson. And you're in this picture listed as Rosalie Erwin, and is this your entire school class? (Photo #2)

Justice Wahl: That wasn't a class, that was the whole school.

Judge Neville: That was the whole school?

Justice Wahl: This was in Birch Creek. And when I was four years old, not quite four, my mother died, and so, we children went various directions. But eventually, I got to live with my grandparents, and then with my grandmother, after my grandfather and little brother were killed in a train accident there on the farm. So, this was when I think I was in the second grade. And my sister Jeanette was in seventh, and we walked, oh, I supposed a mile and a half, or something like that, over the hills to school. And that's my cousin John, so three of us are cousins, and then there are the Hauser girls, Mary and Doris, and then there are the Bosman boys, and then the bulk of the rest of them are the Coatney children. There's Elsie and Videy and Dorsey, and Lucy and Clifford. And there we are, there we are. That's our school.

Judge Neville: There's a dozen, dozen children in that school then.

Justice Wahl: And when we -- I learned. And one of the things I learned growing up and I learned it at school was to, you played fair. You were fair. So I think that was a good ground for a judicial career to play fair. And it was like you needed everybody to play any game. I mean you couldn't play work up in soft ball unless you have everybody in it, whether they were big or little. So, people were pretty considerate of the young ones and so forth.

Judge Neville: How long did you go to the school?

Justice Wahl: Well, the first year, I was in -- my first grade I went to live with my father. He had remarried, and they lived in a little town called Towanda. Because I guess my grandmother thought it was too far for me to walk to school.

And that was in a little town. Anyway, then, all I remember then was that I learned songs, and I knew I liked to sing, and I learned Roman numerals, which I'm not even sure -- and I got scolded for showing a little girl in front of me how to make twenty. But, then after that, we went back, I got to be with grandma after that. And from the second grade on through the eighth. It was an eight grade school and it was the way the schools were organized in Kansas at that time. That, in our county, there were many school districts and they each had a school. And when we did things together, the whole county went up to Sedan, which was the county seat. So, we had arithmetic contests, and spelling contests, and running and jumping contests. We'd go to Sedan, and we'd do all those things there and interact with other children from around over the county.

Judge Neville: So you were raised by your grandparents then?

Justice Wahl: Well, my grandmother, as I was saying, when I was seven, my grandfather and little brother were killed in this railroad train accident, and then after that I lived with my grandmother. My father came, and my grandmother asked if she could keep me. And so then we moved up over the hill from this farm where we had lived, my grandmother's family's farm, to the old stone house which my great grandfather had built on the homestead there. I lived in the old stone house from the time I was eight years old until I was nineteen. So I have very deep roots there.

Judge Neville: You talked about your sense of fairness. From whom do you think you gained that sense of fairness?

Justice Wahl:

Well, I think from my family. And I think at school. I think we were told to play fair, you know. I can remember, helping my Uncle Ellis and Uncle Bill. Although I wasn't really helping, I was tagging along while they mended the fence, the barbwire fence, my two uncles. And I know they were talking about, how -- well, my family was poor. They never had a lot of money but they had land. They were good farmers, but they never had enough to get very far ahead. And very early, I identified with those who were poor. Well, my two, my heroes, when I was a kid when grandma and I lived at the old stone house, my heroes were Abraham Lincoln and Jesus. But I said, I always thought Abraham Lincoln had more fun. But, I learned from the stories that we read in school. And I learned from watching my family. My uncles, they were fair. And I remember my grandfather when he was still living. This was still -- I felt pretty close to the frontier life, and as I lived with my grandmother, especially after that, I did. If anybody came, they were invited to stay for dinner. You know, it didn't matter who they were. It was a white community, a homogenous community, but out in the hills there lived a family and the father was black, I believe. What was their name? They had beautiful children. And my friends at school, when I was in Henley House, where half of us were white and half of us were black. The girls laughed, and laughed, because this woman out in the hills lived with her husband for twenty years, until somebody told her he was black, and then she divorced him. But otherwise I didn't have the opportunity to know

people of diverse groups. And even as far as class, and as far as, well in a real community like that, I mean there was one family that had more, a bigger farm, and you know probably more money than others, but people were pretty equal. You know, you are all trying to live off the land and help each other. They still helped each other when harvest time came. I can remember helping cook for threshers.

Judge Neville: You mentioned Henley House, what is that?

Justice Wahl: This was at the University of Kansas. And I went there. I graduated from high school in 1942, and I wanted very much to be a journalist. I thought the only place you could do that was to go to the University of Kansas, because they had journalism. I fought, I fought to go. And so my Aunt Sara, she was, she was the one who was there for me, as far as, helping, helping with the money. But she didn't have much, but she shared what she had with me and grandma. In those hard years of the '30s, she sent grandma \$25 a month and me \$3 a month to buy things she needed. So I went to Lawrence and was there the first year. I was there during the years of the Second World War. And after that first year, this was '42-43 and the war was really, you know everyday people would -- men would be gone from the class off to the war. And the young man I was engaged to had been, he'd been killed in an air force training crash. It just seemed irrelevant to be going to school. So I went home after the first year, and I taught in Birch Creek School the next year. Teachers were scarce. I had eleven kids in eight grades. It was the same school I'd gone to, and my

cousins, and my mother, and her brothers and sisters, and my grandmother and my grandfather had all gone to Birch Creek School. So I went back and taught that year. Then I went back to Lawrence and the U. where I became very involved. When I was home I decided that I wasn't going to be a journalist necessarily, although I loved writing and words. I was going, you know, I went ahead and took some of those classes. But I decided I wanted to do something that would be more, in my mind and I thought more of help to people. I went into sociology. I got very involved in the YWCA on the campus which was working on issues of social justice -- the last year I was there -- well I was elected President in spring of, I guess 1945. And all of my friends, all of the Y members earned money. I think they had to earn \$300. They made sandwiches and they sold them to all the fraternity houses and all of the people. They made enough money to send me to New York to the Y Presidents school, which was held at Columbia University at Union Theological Seminary. So I went off and there were -- it must have been 25 of us from different colleges. And there weren't so many men, but the ones that were there were mostly from the South. I often wondered what happened to my friends from the South when the Civil Rights Movement came along. But we lost touch with each other. I came back to KU where we had already established, we'd had to fight to establish this too -- to use our YMCA house, Henley House as a residential, inter-racial living co-op. It was a big brown 3-story house, very homey-looking. We had rented it out to

graduate students. Now we decided that we wanted to have an interracial co-op, so we were living more in line with what we believed. There was no interracial student housing previously at KU. The YW has always been very strong on diversity and on race, fighting against discrimination and that sort of thing. So that's what we did. We lived there together. There were ten of us at any one time. We had a house mother who was -- she had grown up as a Quaker. She was pretty old by then or so it seemed to me. Her sister taught philosophy there at the University of Kansas. But to everybody who came through, these were very exciting years. I don't know if anybody who hadn't lived through them could understand what it felt like. First there was the experience of the war. If you haven't known what total war is like, you can't know what we lived through. But it was also -- a time towards the end, when the United Nations was being founded. We thought about that, and we had a mock United Nations. The horizons just expanded, and it really seemed like a very hopeful time. When national speakers came to campus to speak about their experiences they stayed at our house. We had a chance to talk personally with them. It was a very yeasty time and place.

Judge Neville: And that would have been about forty?

Justice Wahl: We started in the spring of 1945. We organized it -- first we had to convince our YWCA, our Y officers, and they wanted it, they did. Then we had to persuade the town and faculty women who were on the Y Board. Then we had to persuade the Chancellor to do it. Although they insisted

that our parents or guardian had to write a letter saying it was okay if we lived in an inter-racial Co-op. My friend Marge Robins, she was in the house, and she came from northwestern Kansas, and she and her husband Art had married secretly. He was in the Navy, during this time, and so when she asked her mother, you know, if her mother would write this letter and say it was okay for her to live there. Her mother said, "Well you didn't ask me about getting married. I don't know why you would want to ask me about living with a few colored girls."

Many people were supportive. We lived -- next door to a sorority, I can't even remember which one it was now, and some of the people who had daughters there complained to the Chancellor that there was this house next door where women, both black and white, were living together. The Chancellor said to them, "Well, you know, if you don't want your daughters to live next door, move them somewhere else." He was supportive. So we had Henley House. But the man on the other side (of Henley House) removed his machine that fed coal into our furnace and we had to shove coal into the furnace by hand. Those years were very broadening years. The horizon was pushed out for me. There was a lot of emphasis on justice. That was when I first became aware of injustice. I didn't think about it much when I was growing up, but that's when I learned about it and that something could be done about it. We started sit-ins in restaurants and at the downtown movie theater.

Judge Neville: Did you think, in those years, that you were ever going to go on further in college, for any more schooling?

Justice Wahl: Yes, I graduated in the summer of 1946. In the Spring of 1945, all the men came home. The war was over, and the men came home. The campus was flooded with ex-GIs. The GI bill made it possible for many of them to go on to college if they were interested. Like the Homestead Act for the Civil War soldiers, the GI Bill was for the GIs in the Second World War. There were a lot of them on the campus. I had a friend who was the son of the Dean of the School of Medicine. My Aunt Sara taught in the School of Nursing there, and had been acting Director of the School during the war years. Ross was Dr. Wahl's son. His stepmother was a good friend of my Aunt Sara. So I had known him before the war, but we hadn't been seriously involved. Ross had been in the Army since 1943. He was in the hard fighting in Europe and in the Battle of the Bulge. So when he came back, I don't know, I didn't plan it, you know, we just fell in love that Spring. I had been going to go to California, to join my dear friend Jeanne Schoemaker where she was working in the migrant fields, because I wanted to work with migrants there as they went up and down the valley-- well I guess I could still go do it now because they're still going up and down the Imperial Valley. Anyway I didn't go. Ross and I got married instead at the end of that August. And I thought a little bit. I did well in English. I did really well in English and the -- some of the English professors there wanted me to go on and do graduate work in

English. And it's foolish. I mean, I wrote well and I liked it a lot, but it seemed rather irrelevant. I mean when you are involved in a war that everybody is laying down their lives for if they have to. And I just didn't really get caught up in that. But then I thought they were going to establish a school of social work there, so I took two or three classes in that. But without ever, I suppose, really intending to go on. Because we were in Lawrence then, two years after Ross and I were married, while he finished his course in Electrical Engineering. That was in 1948. That was not today. Engineers couldn't find a job. This was before Sputnik and before the Cold War and before there was this big we didn't want Russia to get ahead of us in anything. So then they began to have a lot of jobs. And that was well after, in the 50s here. Later on, when our children were in grade school, schools were teaching languages. Spanish and German down in the grade schools. As soon as the powers that be thought that we weren't going to be blown up, I guess, they stopped. Anyway, we came to Minnesota. We were in Lawrence until Ross graduated. Then, there just wasn't any employment. We liked Lawrence, and I think we would have stayed there. I had worked. There had been something organized by Rachel Vanderworth, who was our Y secretary and was a great, she was a great instigator. She inspired us to do things, and she helped establish what was called the Lawrence League for the Practice of Democracy, and it was an interracial group there. And we worked with men and women from all over -- remember -- this is Lawrence. I mean this is Kansas. And

there wasn't any integrated housing on the campus. After we did Henley, a few years, later then they did integrate. But I worked with the Lawrence League for the Practice of Democracy. I was the Executive Director for a couple of years. And I really loved, you know I loved community work. I liked working with people. Then Christopher was born, our first son. And when Ross finished school. He was a year old. He was about a year old, I think, at that time, and we had some friends there that we had lived nearby, in these two little houses on the edge of the river. And we had been dreaming about what kind of a life we wanted. And we wanted to establish an intentional community. I don't know -- at that time there was a lot of -- there were a lot of movements about cooperation and intentional communities and making it -- we thought we could make the world a better place. So these friends had come ahead and they had gotten some land up north of Twin Cities. So we were going to come up and join them, which we did. We came up and worked really, really, really hard and helped build a basement, which we lived in for the winter with those friends. And my daughter Sara was born when we lived there. And it was a wild, rough life. I mean it was very, it was very pioneering. The men worked. I mean Ross had a job with probably Honeywell or something like that. The other one was a lawyer, and he worked for the insurance company, State, no it wasn't State Farm. It was the Cooperative Insurance. And we worked on that. There were three or four other families that we worked together, and we talked about -- we wanted to have our own -- we

wanted to have an enterprise that could support us all and would recognize the value of work. And we had all this philosophizing that we did, you know about how we'd really set up a society if we had a chance to do it. And so we worked on that. And then our friends, the Taylors, bought some land over here in Lake Elmo. Around the corner was this farm. And Ross and I moved here with our family, and I've been here ever since.

Judge Neville: What year was that?

Justice Wahl: That was in 1955.

Judge Neville: In this very house where we are sitting right now?

Justice Wahl: Yeah, that's right. It's been a long time.

Judge Neville: Yeah.

Justice Wahl: And for about ten years, you know, we did a lot of things together, then the other families moved closer. There were four of us, five of us I guess, at that time. And we didn't separate ourselves from the community. We were very active in the school events and all those things. But we did a lot of things together in terms of raising a garden together, and doing things with the children, and going on field trips and things like that. So it was a good experience. I mean I don't think something has to be successful for it to have been very worthwhile, while you are doing it. And I'm really glad that we did those things.

Judge Neville: I'm going to show you a photo that we've got here. I marked it as number 3, but can you tell me about this? (Photo #3)

Justice Wahl: That's the judge in you. You mark the evidence.

Judge Neville: I know it, I mark my exhibits.

Justice Wahl: Well when we moved -- this is a picture of three little boys. And one of them is my son, Timothy, when he's about five years old, I expect. And two of them are sons of my friend, Francina Seizer, who was one of our friends. We'd lived together at Henley House. She was wonderful, and she came to Minnesota, to the University of Minnesota, to go to the School of Social Work here. And she met Ed, who lived here all of his life, and they married, and so we saw each other quite a bit. And there they are playing, don't they look sweet? Brown was one of our, one of our woman of color. She was a wonderful person.

Judge Neville: And that was here in Minnesota?

Justice Wahl: Uh-huh. And Brown for many years worked as a school social worker, I think in the schools.

Judge Neville: Let me backtrack just a moment, when you were in undergraduate school and a lot of the boys were off at war.

Justice Wahl: There were a lot of military units on the campus. You know, there was -- training people to be doctors, and there were people there at engineering school. Sailors, I mean, there were naval units and army units there for all kinds of training during the war. But there sure weren't very many other men around.

Judge Neville: Were there very many women there?

Justice Wahl: Oh, yes, I always considered this. I mean, I wouldn't have made it happen, but it was from my point of view, it was an opportunity for women to

exercise leadership. The men were gone, we ran everything. I mean we were the editor of the Daily Kansan and I was editor of it for a few months before I was finished. Editor of the Kansan, which was the year book, president of the student council because one of our number who had lived with us at Henley had been on the council some years before. I mean it was like an opportunity that wouldn't have existed if the men had been there, because it would probably be -- he'd be the president and she'd be the secretary or something like that. Well, here we organized and we ran everything. I was reading some clippings the other day. We organized a group called the Independents. I mean we had, we had sororities and fraternities on the campus, and I had some very good friends there, but there was most -- there was a majority, a majority of people on the campus were Independents, and so we organized the Independents, and we had about four different committees. One of them was to look at the social life of -- see how people were and to see what their living conditions were, because they'd find living conditions. And I'm kind of amazed at what we were trying to do. Well, those were the years. And as I say, I don't know, I don't know how women -- they still need the opportunity for leadership. I think that's why women who go to all women colleges -- you look in the books of who's listed, you know, in Who's Who of Women and who've done things, and many of them come from colleges where they've had, you know, famous professors and people who were their mentors who were very active in a lot of fields. Like men have

always had, you know people to sort of mentor them. So I don't know, I haven't followed up too much to see how we are getting girls and women a chance for leadership, you know in the schools, that sort of thing.

Because you do have to, I don't know, I guess you have to work at it. We were just lucky that we didn't have to work that hard because we were the only ones there to do it, you know. So we got to do it.

Judge Neville: Well you had two or three children as I recall before you decided to go to law school?

Justice Wahl: I had four children.

Judge Neville: Four children.

Justice Wahl: Four children and they were all in elementary school here over in Lake Elmo. Oh we live in the country here. And I had began to think that I needed to, you know, my husband was working as an engineer, but it cost a lot of money to raise four children. And so I'm thinking I should get a job and help support these children. Well, when you've have a degree in sociology that's sixteen years old, there's not a whole lot you can do. And about that time, at the universities and the colleges, they were beginning to recognize that women were coming back to school to take their education further then they had. And so, the University of Minnesota had a Women's Center and I made an appointment there, this was in early August and I couldn't get an appointment until you know September or something like that. Well, in the meantime, I never thought of being a lawyer. I didn't know any lawyers. But I had spent a lot of time

organizing people in community issues for the county library and for school bond issues and so forth. And was just really pretty tired of sitting outside of doors while the people inside and at that point they were men. They were all men who were making the decisions. And, so I had gone, we were in the fourth district. We'd been in -- where I live now we'd been in four different districts, congressional districts. So it would be a terrible place to try to, you know, be a politician. But anyway this time we were in with the fourth district which is St. Paul. And we'd gone to some dinner for Joe Karth and.

Judge Neville: Joe Karth?

Justice Wahl: Joe Karth, he was a Congressman there for a long time. And I sat next to Mary Lou Klas. I didn't know her, never met her. But here's this woman who's younger than I am, who had several children, whose husband was a lawyer and who herself was a lawyer. I think practiced together. And I thought, afterwards I thought, you know, if she could do it, I could probably do it too. I've had a lot of inspiration from people younger than I am. I don't think people have to be older before they can be your mentors. And at that point, this was early August. And this was in 1962. In the summer of '62. And there wasn't the great crush on the law schools. There were only two law schools in the state. William Mitchell which was a night law school and most of the people worked during the day and went to school at night and the University of Minnesota. So those were the two. And it wasn't hard to get in, you know. I mean I hadn't taken the

LSAT, and they said oh, they said, when I went to talk to them at Mitchell, “You can take it the next time it comes up.” So when it came up, it was December and I had been in law school for about four months at that time. But anyway, I decided that I would go to Mitchell, because I wanted to be home when the kids came home from school. And it was a -- so for all those years, actually it took me five, because the second year I was in law school, Jenny was born.

Judge Neville: That’s your daughter?

Justice Wahl: And my daughter Jenny, I have two daughters. And so then, I have five children. And I missed a week of school and I took two fewer credits that semester so I had to stay on and take the -- well what I missed was of course, called Sales and so then they switched over to teaching the UCC by the time that -- but they were going to give the Bar exam in Sales and it was no longer offered at Mitchell. I didn’t realize that I was in big trouble. And I think Dean -- Doug Heidenreich was the Dean at that time. And he must have figured out, that, you know, here is this poor woman who didn’t know what she was into. And he was the one who taught sales and he taught the Uniform Commercial Code. He taught me all by myself, one whole semester, every Thursday night for three hours. I sat across from him at his desk and he taught me Sales.

Judge Neville: How wonderful.

Justice Wahl: Because that’s what -- and I didn’t ask for it. You know, they were just so good. They were so good to me. I always figured they wanted me to

learn all the law I could learn. But that was just uncalled for. I mean, he didn't know I was going to be on the Minnesota Supreme Court. He just thought I was a poor woman with a lot of kids who needed to take Sales. So I could take the Bar exam.

Judge Neville: Well he was my prof. for the UCC, as well -- the sales part of it.

Justice Wahl: He's a good person.

Judge Neville: He was a very good person, is a very good person. Let me show you something that is a photo that I've got here. In 1961, it says. Tell me about that. Now that predates and is about the time that you're starting law school? (Photo #3)

Justice Wahl: Well we lived here -- '61? That was like the year before. I started in the fall of '62. And I was, you know, home with the children and doing the big garden and doing all the -- we had, well actually we got 20 acres and we sold 8 to some friends. And so then we had 12 acres. So we had a lot of land. Raised a big garden and --

Judge Neville: Did you work outside the home ever before you?

Justice Wahl: Not until after I went to law school. I never did. Well, when I went to law school, it was like, I must confess. I liked the freedom that came from not having a job outside, being here, and working here all the time with my family. But I could control my own time and I could do things. And I also -- this is a bad confession. I knew that it would take a while to get, to become a lawyer. And if I went to Mitchell it took even longer. Actually, it took -- it's suppose to take four years. But I had to take, I went that fall.

That's when I took this course in Sales, then I took the Bar in the middle of the winter. And I knew it would take a while, and I didn't care if it took a while before I had to go out there in the grubby, grubby world, you know. Anyway, in law school, I was -- there were only two women in my class. And we were in different sections.

Judge Neville: Who was that?

Justice Wahl: Ellen Dresselhuis. She practices here in St. Paul. I think she did sex discrimination cases and that kind of thing. I don't know, is she still practicing?

Judge Neville: I have not seen her for a while, but that does not mean she isn't.

Justice Wahl: Anyway, there were two of us and then there were the men. And I actually think my age made more difference. I mean, I was 38 when I started, and you know I was 44 or so when I got through. I was probably old enough to be the mother of some of them anyway. And that probably made more difference than gender. And a lot of them had been in the service, they'd been during the '50s, had been in the Korean War. So they had a lot of things in common, and I, you know, came in at 6 o'clock. For all those years, I was putting supper on the table at 6:00 and going out the door and driving off to law school, and my family carried on, you know. And after Jenny was born, well Sara was a senior. Well, let's see, she was a senior in high school the year I graduated from law school. But I could never have made it without their help. I mean, Sara was so great. Well they all were, but I think she took more responsibility for Jenny when she

was little. And that made it possible for me to go to law school. And I, at that point, felt like I had a tiger by the tail and I couldn't let it go. You know, I'm kind of stubborn about when you start something you should finish it.

Judge Neville: Did you feel any discrimination at all in law school because of your gender?

Justice Wahl: Never, I never did. And there was only -- the only woman faculty person was Carol. She was the librarian, but she also taught research.

Judge Neville: Floren, Carol Floren.

Justice Wahl: Carol Floren. She was the only one. There weren't any women faculty people. And I was very busy but I never had. I mean one of the things I missed and that I realized later that most law students had. They had little study groups, you know. I never had a study group, I just had to study by myself. Anyway, this picture is in 1961, and I hadn't started to law school yet. And this is my Aunt Sara and my Aunt Gladys. My Aunt Sara was kind of the mother person in my life. She and my grandmother. My mother was the oldest in her family, and she had two sisters and three brothers. So I went to live with my grandmother. Aunt Sara and my grandmother really raised me. Aunt Sara was the one who, she was a nurse and she was in nursing education. She had wanted to be a nurse apparently when she was young. When she graduated from high school in about 1920, and it wasn't very popular to be a nurse at that time, so her parents didn't much want her to, so she waited until she was 21, and then

she went off and she was a nurse. She always thought that women should be able to earn a living. Women should be and, I think originally, she thought I should go to a teacher's college and become a teacher. But that wasn't what I had in mind. I wanted to be a journalist to begin with. I was sort of -- I think I was a very bullheaded child. I don't know how they handled me. But anyway that's my Aunt Sara and Aunt Gladys, and they had come up here to visit that summer and that was really wonderful.

(Photo #4 - missing)

Judge Neville: What did Aunt Gladys do?

Justice Wahl: Well she was married and lived on a big farm in Birch Creek, and we lived in Birch Creek. My grandma and I lived in the old stone house, and Aunt Gladys was married to my Uncle George. And he probably had more land than anybody else in the community. She lived their until their son and a daughter grew up. Their son got married, and so Aunt Gladys and Uncle George moved up to Niotaze, which was about three miles away on a hillside, into the house that Uncle George's parents had move into when Uncle George and Aunt Gladys got married, so they could live at the farm. And she -- I don't think she ever lived anywhere more than five miles from where she was born. And so they lived there and she was a kind of a mover and a shaker in the community. Aunt Sara now, Aunt Sara was an adventurer who went all over. She got her nurse's training and she got her bachelor degree there at Emporia and she would go out -- she went out to San Francisco in the late 1920s to take a course in

operating room things at Leland Stanford. And she would do other things like that, you know, she was keeping up. She's one of the people who helped get nursing education really professionally in Kansas. So I'm pretty proud of that. But it was from her that I knew, women could earn a living. I never thought otherwise. I never thought that I wouldn't. Then I got married, and it took me a while to get back on track, but --

Judge Neville: And at some point you became unmarried, at what point was that?

Justice Wahl: After 25 years, this was hard. I mean, actually when I think of all the people, the younger and middle aged. All those people we're sending to Iraq. It will change their lives forever. And we don't know how much. I mean people who were in the World War II. Ross was in the Battle of the Bulge, and it was a terrible, terrible experience. He was one of two people who came out of his company. And it didn't hit him until years later when he actually, I think it was post-traumatic stress, but it was like down the road when he just kind of fell apart. Life became really difficult. And there wasn't much help around at that time. He began drinking, which he'd never done. And it just reached the point where -- well I went on 10 years, and of course I wouldn't have Jennie if I hadn't done that. Jenny was our fifth and last child.

Judge Neville: Were you in law school when you were divorced?

Justice Wahl: Oh yes, during that time. Well in fact, it was the first year I was in law school. I was taking criminal law, and we were learning about alcoholism and all of the terrible things that happened when Ross kind of fell apart.

But he wanted me to go to law school. And I wouldn't have been able to go without his help.

Judge Neville: And then you had Jenny?

Justice Wahl: Jenny, right. Five children.

Judge Neville: And then -- so there you were in law school divorced with five children?

Justice Wahl: Well, I wasn't divorced yet. I graduated from law school. I don't know, when I went to law school, I was older, you know, I was in my mid-40s when I graduated, and law firms weren't hiring many women. And I actually didn't want to have a regular legal career, like being a partner in a law firm. I was interested in constitutional law, I was interested in writing and speaking, and I had done a lot of appellate work. I worked with the state public defender when I first graduated and eventually argued 109 cases before the Minnesota Supreme Court for indigent defendants who were convicted of felonies. And that's what I wanted to do. I graduated in 1967. In 1966, the State of Minnesota had set up the Office of the State Public Defender. Paul Jones was a very good person and good lawyer who was open to hiring women in his office. There were three of us women appellate lawyers. He let us work part time. I worked three days a week so we could be home, more with our children. He was great, he was just great.

Judge Neville: Was that C. Paul Jones?

Justice Wahl: C. Paul Jones, that's right. I went back to Williams Mitchell eventually and developed their criminal clinical program because that came along at

that point. And that's where I was. I was there for four years, from 1973 until 1977. It was in 1977 that I was appointed to the court.

Judge Neville: Who were the other women you worked with at C. Paul Jones' office.

Justice Wahl: Well of course one of them was Roberta Levy, who became a District Court Judge in Hennepin County and, in fact, the Chief Judge at one time. There was Doris Huspeni who also was a District Court Judge in Hennepin County and then was on the Court of Appeals. Molly Raskind was there. Molly's husband was a professor at the law school. And she worked there. I don't remember what she did afterwards. Her family was grown, and it wasn't, I think, as important for her to earn a living, as it was for me. At that point, I had to earn a living. I was working at the State Public Defender's office writing briefs and arguing cases. The three women in our office were over at the Minnesota Supreme Court all the time. Sometimes we'd be over at the Court two or three times a week. So I argued before this court that I eventually was a part of. And I used to think, when court was over and everybody'd stand up and the Justices went out to the conference room. I used to think "wouldn't it be nice to go in there and sit with them and see what they talked about, after the arguments?"

Judge Neville: Did you know much about their process even though you were appearing in front of them?

Justice Wahl: I didn't really.

Judge Neville: It was a mystery how they did it?

Justice Wahl: Well it wasn't exactly a mystery, but I was very pleased when I went on the court to discover their process was a lot like our Quaker business meetings are. But, we did usually vote up or down. Each of us had a place -- Seniority was important, but it was important to know that you were going to have a time to talk. And you didn't have to, you know, butt in, or worry about not being heard. When we discussed the case, cases were assigned to each of us. So if it was my case, I reported on the case, when we went back to conference. We talked about the issues, and how they might be resolved and with a proposed disposition. And then we went around the table, the conference table, in order of seniority, except for the Chief Justice. We started with Judge Otis who was the Senior Justice. Oh, he was so good. Then we would go around the Table. And for three years I was number 9, so I got to talk last, except for the Chief Justice. And he talked last of all. I liked that, I liked that system. I would always make copious notes of what each member of the court said, how they felt and suggestions they made, and tried, if they more or less agreed with me, tried to write an opinion that would include things that they had suggested. I think it is very important to try to have an opinion that we could all agree with.

Judge Neville: Do you think it was your English background or the sociological background or what do you think really made you such a good Justice, aside from your sense of fairness, which would be obvious? Educationally, what did you feel prepared you best for that job?

Justice Wahl:

Well, as you know Carie, when we become judges, we take everything with us that we had learned up to that point. And that's why I consider it so important, especially on an appellate, well on the trial court too, but in a different way, on an appellate court to have people there who've had different experiences. Certainly growing up a woman in this society is different than growing up a man. And even though you go through the same kind of experience, the way you experience it is different. And to get some idea of how a decision in a case would affect everyone in the state. It's always troubled me that these cases come up with usually two parties, and somebody gets the decision in their favor. But it affects everybody out there, who weren't necessarily represented. On the court, on an appellate court, you'd need to have, you know, you need to have some experience about what people's lives are like and how this decision will affect the public generally and not just the people who are before the court. And it made a difference -- my gender. My court was pretty good about gender things. They were good on discrimination cases and so forth. I think it almost made more difference that I came from the background of criminal defense than that I was a woman. They had never had anybody on the court from that point of view. Or who had that kind of a practice. Well George Scott was there, and he had been Hennepin County Attorney for 17 years. Fallon Kelley had been a U.S. District Attorney who'd help put some of the mob away. There were those three of us anyway who worked together a lot on behalf of the criminal justice system because we

could see how cases that came up, how they would affect both sides, and all the people out there. That was interesting. But you do need a variety of experiences, I think. I remember one of the members of the court told me, oh a few years back. He said, "I just don't think we have enough difference of opinion. We are all too much in the middle. We need people further out who can make good arguments. Really get you to think."

Judge Neville: Let me show you another photo that we looked at earlier today. Can you tell me who's in that photo and when that occurred? (Photo #5)

Justice Wahl: Well, that's my Aunt Gladys there. That must have been when she came up, and that's me and the four children I had at the time -- Christopher and Sara and Timothy and Mark. We are up in William O'Brien Park. And I expect we'd gone up there for a picnic and an outing.