



MINNESOTA HISTORICAL SOCIETY
Minnesota State Archives

ATTORNEY GENERAL

Civil Litigation Division

An Inventory of Its Litigation Files

OVERVIEW OF THE RECORDS

Agency:	Minnesota. Attorney General. Civil Litigation Division.
Series Title:	Litigation files.
Dates:	1975-2004.
Quantity:	7.5 cu. ft. (8 boxes).
Location:	See Detailed Description section for box locations.

SCOPE AND CONTENTS OF THE RECORDS

Litigation files dealing with Governor Rudy Perpich's 1987 complaint against the U. S. Department of Defense challenging the Montgomery Amendment (which allowed Congress to authorize members of the National Guard to be ordered to active federal duty for purposes of training outside the United States without either the consent of a State Governor or the declaration of a national emergency); with a 1986 suit brought by John Allers, a former Public Employees Retirement Association [PERA] Board member and interim executive director, against Paul Hayne (former PERA employee), Morris Anderson (former PERA trustee), and the Association of Minnesota Counties, claiming that the defendants defamed Allers as a result of their efforts to expose Allers' alleged mismanagement of PERA; and with a 1985 suit brought by Attorney General Hubert Humphrey III, on behalf of the state and PERA, to recover expenditures of monies made to C. Michael McLaren as PERA executive director from 1979 to 1984. The latter case originated in the Solicitor General's office but was placed with these files due to the related subject matter. There are also files documenting the Minnesota Historical Society's efforts to save the Minneapolis Armory from demolition (1990-1993); James I. Rice's, a member of the Minnesota Legislature, suit against Ladbroke Racing Canterbury, Inc., et al., and the Minnesota Racing Commission over the legality of off-track and telephone betting (1982-1992); and a suit concerning misuse of funds brought by the Greater Minnesota Corporation (in cooperation with the Attorney General) against its former president and chief executive officer, Terry Montgomery (1987-1993).

The files include correspondence, memos, notes, pleadings, proceedings, depositions, research, newspaper articles and press releases, and testimony.

INDEX TERMS

These records are indexed under the following headings in the catalog of the Minnesota Historical Society. Researchers desiring materials about related topics, persons or places should search the catalog using these headings.

Topics:

Historic buildings—Minnesota—Minneapolis.
Horse racing—Betting—Minnesota.
Misuse of public funds—Minnesota.
State rights.

Places:

Minnesota—Officials and employees—Pensions.
Minnesota—Officials and employees—Retirement.
Minnesota—Politics and government—1981-
United States—National Guard.

Persons:

Allers, John.
Anderson, Morris.
Hayne, Paul.
Humphrey, Hubert H., 1942-
McLaren, C. Michael.
Montgomery, Terry.
Perpich, Rudy, 1928-
Rice, James Isaac, 1925-1996.

Organizations:

Association of Minnesota Counties.
Greater Minnesota Corporation.
Ladbroke Racing Canterbury, Inc.
Minneapolis Armory.
Minnesota. Attorney General. Solicitor General.
Minnesota. Governor (1983-1991 : Perpich).
Minnesota Historical Society.
Minnesota. National Guard.
Minnesota. Public Employees Retirement Association.
United States. Dept. of Defense.

Types of Documents:

Depositions.

ADMINISTRATIVE INFORMATION

Preferred Citation:

[Indicate the cited item and folder title here]. Minnesota. Attorney General. Civil Litigation Division. Litigation Files. Minnesota Historical Society. State Archives.
See the Chicago Manual of Style for additional examples.

Accession Information:

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DETAILED DESCRIPTION OF THE RECORDS

Note to Researchers: To request materials, please note the location shown below.

Perpich v. Department of Defense [DOD] Case Files, 1982-1990, 2004.

In 1987, Minnesota Governor Rudy Perpich brought a complaint against the U. S. Department of Defense. It challenged Congress' right to authorize members of the National Guard to be ordered to active federal duty for purposes of training outside the United States without either the consent of a state governor or the declaration of a national emergency. A 1952 gubernatorial consent requirement was partially repealed in 1986 by the "Montgomery Amendment," which provides: "The consent of a Governor described in subsections (b) and (d) may not be withheld (in whole or in part) with regard to active duty outside the United States, its territories, and its possessions, because of any objection to the location, purpose, type, or schedule of such active duty" [496 U.S. 334, 337].

The Governor of Minnesota and the State of Minnesota challenged the constitutionality of the Montgomery Amendment, saying that it violated the Militia Clauses of the U. S. Constitution and alleging that, pursuant to a state statute, the Minnesota National Guard is the organized militia of the State of Minnesota and that, pursuant to a federal statute, members of that militia "are also members of either the Minnesota unit of the Air National Guard of the United States or the Minnesota unit of the Army National Guard of the United States." The complaint further alleged that the Montgomery Amendment had prevented Perpich from withholding his consent for certain members of the Minnesota National Guard to participate in a January 1987 Central American training mission and urged for an injunction against the implementation of any similar orders without his consent.

The case was finally heard by the U. S. Supreme Court, which found the Montgomery Amendment was not inconsistent with the Militia Clauses.

Location

104.C.13.9B Articles, clippings, and press releases, 1986-1987, 2004.
 Attorney General's Office correspondence, 1986-1990. 2 folders.

Location

104.C.13.9B Attorney General's Office memos, 1987, 1990.
Attorney notes, undated, 1987, 1990.
Dukakis v. Department of Defense [DOD], 1988, 1990.
Goodrich v. State of Minnesota, 1982-1985.
National Guard trips, 1986-1987.
National Guard Association, 1986-1987.
Pleadings register, undated.
Pleadings, 1987-1990. 9 folders.
Proceedings, 1987, 1990.
Proceedings: Tunheim Oral Arguments, [undated], 1990.
Research, [undated]. 3 folders.
Testimony Statements, Federal Authority Over National Guard Training,
July 15, 1986.

Allers v. Hayne, et al., Case Files, 1984-1988.

John Allers, a former Public Employees Retirement Association [PERA] Board member and interim executive director, filed suit in 1986 against Paul Hayne (former PERA employee), Morris Anderson (former PERA trustee), and the Association of Minnesota Counties, claiming that the defendants defamed Allers as a result of their efforts to expose Allers' alleged mismanagement of PERA. The lawsuit is related to similar claims filed in 1984-1986.

Location

104.C.13.10F Correspondence, 1986-1988.
Depositions:
John Allers, 1987. 3 folders.
Shane Allers, 1987.
David K. Bergstrom, 1987.
Allen B. Eldridge, 1987.
Sally Kupperschmidt, 1987.
C. Michael McLaren, 1987.
Richard L. Rademaker, 1987.
Diane L. Rogrud, 1987.
Cheryl A. Weimer, 1987.
Minnesota Senate Governmental Operations Committee Investigation of
PERA, 1984.
Newspaper articles, 1984-1985.
Pleadings, 1986-1988. 3 folders.
Pleadings register, [undated].
Questions for PERA staff, [undated].

Humphrey v. McLaren Case Files, 1975, 1979, 1981-1992.

In 1985, Minnesota's Attorney General, Hubert H. Humphrey III, on behalf of the state and the Public Employees Retirement Association [PERA], sought to recover expenditures of monies made to C. Michael McLaren during his 1979-1984 tenure as PERA's executive director. The case was settled in December 1992 with McLaren repaying \$7,464.36.

Location

- 132.H.9.10F Anderson, et al., v. Boman, et al., Cecil Halter deposition, 1984.
Articles, clippings, and press releases, 1984-1986.
Attorney General's Office correspondence, 1985-1992. 2 folders.
Attorney General's Office notes, [undated].
Depositions:
 Including related documents, indexes, and notes.
 Allen B. Eldridge, 1989. 2 folders.
 C. Michael McLaren, 1988. 2 folders.
 James R. Nobles, 1992.
Hayne, Paul L., Deposition [Olson, et al., v. Allers, et al.] and Testimony
to the Legislative Auditor, 1985.
McLaren, C. Michael:
 Testimony, Legislative Auditor, 1985.
 Educational expenses, 1981-1985.
 Moving expenses, 1984.
 PERA employment, 1979, 1984.
 Severance pay/waiver, 1983-1985.
 Employer contribution, 1984-1985.
 Response to Legislative Auditor's Report, [undated].
McLaren v. State of California, et al., 1984-1989.
Minnesota Senate Governmental Operations Committee, Investigation of
PERA, 1984-1985.
PERA fishing trips, 1975, 1983-1984.
PERA, Reimbursements to, 1985.
Pleadings Register, [undated].
Pleadings, 1985-1992.
 Nos. 1-52, 1985-1986. 3 folders.
- 132.H.10.1B Nos. 53-116, 1986-1992. 10 folders.
Trial preparation documents, 1992.

Minneapolis Armory Case Files, 1990-1993.

Documents the efforts of the Minnesota Historical Society and its director, Nina Archabal (also State Historic Preservation Officer), to save the Minneapolis Armory from demolition. Hennepin County proposed razing the building and erecting a new jail on the site. Other plans for the site are also documented. Four separate cases were combined before the case reached the Minnesota Supreme Court.

Location

- 132.H.10.1B Pleadings Register No. 1, Nos. 1-65, September 1990 - January 1992. 6 folders.
Pleadings Register No. 2, Nos. 1-13, January-March 1992. 2 folders.
- 106.J.18.3B Pleadings Register No. 3, Nos. 1-53, September 1990 - August 1992. 6 folders.
Pleadings Register No. 4, Nos. 1-35, April 1991 - February 1993. 4 folders.
Proceedings transcripts, September 1990 – November 1991.
September 13, 1990.
November 14, 1990.
Nina Archabal deposition, November 20, 1990.
Nina Archabal exhibits, November 20, 1990.
William Morrish deposition, November 30, 1990.
December 10, 1990.
David L. Fisher deposition, January 10, 1991.
John Elmer Cummings deposition, February 6, 1991.
James Alcott deposition, February 7, 1991.
Brigadier General Eugene Andreotti affidavit, March 5, 1991.
March 13, 1991.
April 24, 1991.
May 20, 1991.
June 14, 1991.
November 5, 1991.
Michael Freeman, Hennepin County Attorney, November 21, 1991.
Proceedings transcripts, November 1991 – 1992.
Master Index to Volumes 1-11.
Volume 1A, pages 1-116, November 18, 1991.
Volume 1B, pages 118-128, November 18, 1991.
Volume 2A, pages 129-253, November 19, 1991.
Volume 2B, pages 255-404, November 19, 1991.
Volume 3A, pages, 405-532, November 20, 1991.

Location

106.J.18.4F

Volume 3B, pages 533-670, November 20, 1991.
Volume 4A, pages 671-793, November 21, 1991.
Volume 4B, pages 794-973, November 21, 1991.
Volume 5A, pages 974-1119, November 22, 1991.
Volume 5B, pages 1120-1256, November 22, 1991.
Volume 6A, pages 1257-1387, November 25, 1991.
Volume 6B, pages 1388-1522, November 25, 1991.
Volume 7A, pages 1523-1643, November 26, 1991.
Volume 7B, pages 1644-1765, November 26, 1991.
Volume 8, pages 1766-1867, November 27, 1991.
Volumes 9-10-11, pages 1868-1948, 1991-1992.
February 4, 1992.
Reply brief of appellant, May 27, 1992.
Appellant Archabal's Brief and Supplemental Record, May 1992.
Reply Brief of City of Minneapolis, Appellant, July 9, 1992.
Reply Brief of Cowles Media Company and Lutheran Brotherhood,
appellants, July 10, 1992.
Petition for Review of Decision of Court of Appeals, City of
Minneapolis, July 9, 1992.
Revision Petition for Review of Decision of Court of Appeals, City of
Minneapolis, July 10, 1992.
Respondents Exhibits, 1990.
City of Minneapolis Exhibits.
Plaintiffs Exhibits Nos. 1-2.
Plaintiffs Exhibit No. 3, Military Affairs EAW.
Plaintiffs Exhibits Nos. 4-11.
County Exhibits, Nos. 1-92. 7 folders.
Incomplete.
Appendix. 2 folders.

James I. Rice v Carol Connolly, Ladbroke Racing Canterbury, Inc., et. al. Case Files, 1982-1992.

Rice, a member of the Minnesota Legislature, brought suit against Canterbury Downs and the Minnesota Racing Commission over the legality of off-track and telephone betting. The case reached the Minnesota Supreme Court.

Location

106.J.18.5B

Proceedings transcript, January 23, 1992. 2 folders.
Proceedings transcript, March 31, 1992.
Brief of Hubert Humphrey III, Attorney General of Minnesota, April 14,
1992.

Location

106.J.18.5B Reply Brief and Appendix of Hubert H. Humphrey, III, Attorney General
 of Minnesota, April 21, 1992.
 Supplemental Appendix to Intervener Ladbroke Racing Canterbury brief,
 [undated].
 Joint Appendix, Volumes I and II, [undated].
 Stipulation Exhibits, [undated]. 2 folders.
 1982 Constitutional Amendment Bill: Legislative history.
 1991 Teleracing Bill: Legislative history.
 Pleadings Register, Nos. 1-37, 1992. 6 folders.

106.J.18.6F Pleadings Register, Nos. 38-49. 1992. 2 folders.
 Correspondence, 1982-1991.

Greater Minnesota Corporation v Terry Montgomery Case Files, 1987-1993.

Files documenting a case brought by the Greater Minnesota Corporation [GMC] to recover erroneous and inappropriate expense reimbursement claims from their former president and chief executive officer, Terry Montgomery. Part of the suit also attempted to recover a larger amount spent by the Corporation to defend and resolve sexual harassment charges against Montgomery. The Hennepin County Attorney did not initiate criminal charges against Montgomery due to the difficulty in proving criminal culpability, but the Corporation pursued civil litigation against Montgomery to recover whatever money they could. The Attorney General's office, required by law to pursue civil proceedings for any misuse of funds, cooperated with Corporation counsel by sharing its files and providing written analysis of recoverable amounts, thus avoiding duplicate lawsuits. In May 1993, prior to trial, Montgomery paid the Corporation \$125,000 in an out of court settlement.

Location

106.J.18.6F

Annual Reports, 1987-1990.

Bylaws, 1987.

Audit Committee minutes, 1988-1990.

Board of Directors minutes, December 1987 - January 1990.

Correspondence, 1987-1993. 2 folders.

Employee handbook, 1989-1990.

Executive Committee minutes, 1988.

Financial statements, September 30, 1988, September 30, 1989.

A Strategy for Cooperative Research by the Natural Resources Research Institute and the Greater Minnesota Corporation, January 15, 1988.

Legislative Auditor: Audit, October 1988 - September 1989.

Legislative Auditor: Special Review of Expenses Incurred by the Former GMC President, October 1987 - December 11, 1989.

Personnel and Nominating Committee minutes, 1988-1990.

Program Development Committee minutes, 1988-1990.

Transcripts: Terry Montgomery to Lawrence Goga and Claudia Gudvangen, Tapes 1-4, June 21, 1990. 3 folders.

[0.5 cu. ft. empty, letter]