

AN EMPIRE BUILT ON PAPER

THE DECISION MAKERS

Judge Joseph W. Molyneux ...the bootlegger's foe

Judge Molyneux presided over the first and second Foshay trials.

Judge Molyneux's instruction to the first Foshay jury:

“Under the American system of law, a man was not punished for mere mistakes but only for intentional wrongdoing....It is the intention of the operators which must be examined.”



Photo: Minnesota Historical Society
Judge Joseph W. Molyneux, 1935.

A native of Kentucky, Judge Molyneux was born in 1863, graduated from the Cincinnati College of Law in 1882, and moved to Minnesota in 1884. After serving as a Hennepin County District Court judge for eight years, he was appointed to a new seat on the federal bench by President Coolidge in 1925.

Judge Molyneux was one of three United States district judges who granted a temporary injunction to Minnesota milling firms to prevent collection of the wheat processing tax under the first Agricultural Adjustment Act.

Before presiding over the Foshay trials, Judge Molyneux gained a reputation as “the bootleggers’ foe” for his stringent sentences of convicted bootleggers during the Prohibition era. His contention was, “This is the law. Obey it or else.” Judge Molyneux died in 1940.



Barrels of liquor at the Federal Building, 1925. Photo: Minnesota Historical Society

Judge Nordbye and Judge Sanborn presided at the trial and resentencing of Genevieve Clark.

“In a jury trial, if justice is to be even approximated, the jurors must be absolutely impartial and fair-minded and be governed by the evidence which is given by the witnesses sworn and examined before them, and by the law as stated by the court.”

(*U.S. v. Clark*, 1 F. Supp. 747)

Judge Sanborn ran the Foshay receivership. To maintain continuity and avoid the need to bring in a new judge to administer this matter, Judge Sanborn continued to handle the Foshay receivership after he was appointed to the Eighth Circuit.

Judge Gunnar H. Nordbye ...immigrant...teacher...lawyer...judge

Judge Nordbye was born in Norway in 1888 and came to Minnesota with his parents when he was eight months old. He received his law degree from the University of Minnesota and served on the Minneapolis Municipal Court and the Hennepin County Court for a total of nine years before being appointed to a new seat on the federal bench by President Hoover in 1931.

The legality of Judge Nordbye's recess appointment was challenged but he was renominated and Judge Nordbye was confirmed in 1932. Judge Nordbye presided at the trial of Evelyn Frechette, an associate of John Dillinger. He upheld the government's

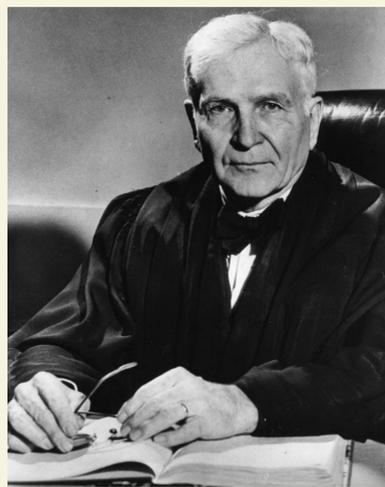


Photo: Minnesota Historical Society
Judge Gunnar H. Nordbye, 1950.

right to prevent airplane travel within the Superior National Forest area and decided the ownership of Captain William Clark's papers from the Lewis and Clark expedition.

In a Christmas message during World War II, Judge Nordbye wrote, “Peace on earth and good will to men in these troublesome times may seem far away from the stage of the world theater.” On at least one occasion during the war he started court with a prayer for the success of the armed forces.

Judge Nordbye served as Chief Judge from 1948-1959. Judge Nordbye died in 1977.

Judge John B. Sanborn ...a humble, simple man, judge and friend

Judge Sanborn was born in St. Paul in 1883. He graduated top of his class from St. Paul College of Law and served two terms in the Minnesota House of Representatives. He was appointed by President Coolidge in 1925 to fill a vacancy on the federal bench; at 41 years old, he was one of the youngest federal judges in the country. Judge Sanborn served as a federal district court judge for six years, until President Hoover appointed him to the Eighth Circuit Court of Appeals in 1931, where his cousin, Walter Sanborn, also served.

In the late 1950s Judge Sanborn served on circuit court panels reviewing the Little Rock school desegregation cases. In 1958 he wrote the circuit court's decision in *Faubus v.*

United States, enjoining the Arkansas governor from using the state national guard to prevent eligible black students from attending Little Rock Central High School.

Judge Sanborn often disagreed personally with the result of the authority and discretion exercised by the executive and legislative branches of government, but strongly believed that judges must defer to the proper exercise of that authority. In a case involving land conveyance by an Indian allottee, Judge Sanborn wrote that, “if a moral wrong was committed by Congress...it is to the body that the defendant should apply, and not to the courts.”

Judge Sanborn died in 1964.



Photo: Minnesota Historical Society
Judge John B. Sanborn
Artist: Merry Decourcy
Dedicated to Landmark Center Sanborn Room, St. Paul, 1999.