



MINNESOTA HISTORICAL SOCIETY
Minnesota State Archives

ATTORNEY GENERAL

An Inventory of the Records of John R. Tunheim

OVERVIEW

Agency:	Minnesota. Attorney General.
Series Title:	Records of John R. Tunheim.
Dates:	1952-1991 (bulk 1981-1991).
Quantity:	6.5 cubic feet (7 boxes).
Location:	See Detailed Description section for box locations.

SCOPE AND CONTENTS

Working files of John R. Tunheim, Assistant Attorney General (1984-August 1985), Solicitor General (August 1985 - June 1986), and Chief Deputy Attorney General (June 1986-1995) in the Minnesota Attorney General's Office. The files contain mainly legal documents, including pleadings, briefs, opinions, and transcripts, and support and research materials such as correspondence, reports, legislation, newspaper clippings and magazine/journal articles, financial records, and notes. Some of the legal research materials pre-date the creation of these files.

The files document Tunheim's role in three major litigations involving the Attorney General's office: the State of Minnesota versus the United States Department of Defense over the constitutionality of an amendment to the 1987 Defense Authorization Act which ruled that a state governor could not withhold consent for active duty National Guard units to train outside the United States (1986-1990); the handling of the LTV Corporation and Reserve Mining Company bankruptcies and the closing of Reserve's Babbitt, Minnesota taconite mine and Silver Bay, Minnesota taconite processing plant (1986-1991); and a dispute between the offices of the Minnesota State Treasurer and Commissioner of Finance concerning their respective duties relating to the care and custody of the state's funds (1981-1987). The latter also involved the extent of the state legislature's control over the treasurer's office. All of the cases involved constitutional questions.

There is also a small set of files documenting efforts of the Attorney General's Office to combat farm credit fraud (1981-1987).

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:

Agricultural credit--Law and legislation--Minnesota.
Attorneys general--Minnesota.
Bankruptcy--Minnesota.
Business failures--Law and legislation--Minnesota.
Constitutional law--Minnesota.
Constitutional law--United States.
Federal-state controversies--Minnesota.
Finance, Public--Law and legislation--Minnesota.
Military missions.
Taconite industry--Law and legislation--Minnesota.

Places:

Minnesota--Appropriations and expenditures.

Persons:

Tunheim, John R.

Organizations:

LTV Corporation.
Minnesota. Dept. of Finance. Commissioner's Office.
Minnesota. Legislature.
Minnesota. National Guard.
Minnesota. Treasurer.
Reserve Mining Company.
United States. Dept. of Defense.

Types of Documents:

Pleadings.

Titles:

United States. National Defense Authorization Act for Fiscal Year 1987.

ADMINISTRATIVE INFORMATION

Preferred Citation:

[Indicate the cited item and folder title here]. Minnesota. Attorney General. Records of John R. Tunheim. Minnesota Historical Society. State Archives.
See the Chicago Manual of Style for additional examples.

Accession Information:

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DETAILED DESCRIPTION

Note to Researchers: To request materials, please note both the location and box numbers shown below. Each file consists of one folder unless specified otherwise.

Location Box

126.E.10.6F 1 Rudy Perpich, Governor of the State of Minnesota, et al., Plaintiffs-Appellants v. United States Department of Defense, et al., Defendants-Appellees, 1777-1990 (bulk 1986-1990).

On November 14, 1986, the Montgomery Amendment of the Defense Authorization Act for Fiscal Year 1987 became law. The amendment ruled that a state governor could not withhold consent for active duty National Guard units to train outside the United States, its territories, or possessions "because of any objections to the location, purpose, type or schedule of such active duty." Before the amendment's passage, at least six governors attempted to stop their states' units from participating in training missions in Central America, particularly in exercises in Honduras held as a show of force against the leftist regime in neighboring Nicaragua. Governor Rudy Perpich and Attorney General Skip Humphrey challenged the amendment's constitutionality (the right of states to train militia under the First Amendment). Minnesota filed the case against the Department of Defense in U. S. District Court, Minnesota District, Third Division in January 1987. On August 3, 1987, the District Court ruled the Montgomery Amendment constitutional. Minnesota then appealed the case to the Eighth Circuit Court of Appeals and, on December 6, 1988, a three-judge panel of that Court reversed the District Court and ruled the amendment unconstitutional. However, the Department of Defense filed for a reconsideration and the full Eighth Circuit Court reversed itself on June 18, 1989 and upheld the District Court decision ruling the amendment constitutional. Minnesota, with amicus curiae briefs from several other states, then appealed the case to the U.S. Supreme Court where the case was heard on March 27, 1990. The Supreme Court ruled the Montgomery Amendment constitutional on June 11, 1990.

These records are Jack Tunheim's working files. Tunheim, as Chief Deputy Attorney General, handled the case from start to finish and argued the state's case before the U.S. Supreme Court.

Location	Box	
126.E.10.6F	1	Contacts with other states, 1986-1987. Correspondence, 1986-1990. Legal research, 1777-1989. Case Nos. 1-14, 1827-1985. See index inside folder. Case: Kneedler v. Lane, 1863. Case: United States v. O'Brien, 1968. Case: Various cases, 1968-1971. Case: INS v. Chadha, 1983. Congressional Record nos. 1-5, 1986-1987. See index inside folder. Congressional Reports nos. 1-9, 1783-1986. See index inside folder. Federal Statutes nos. 1-12, 1777-1986. See index inside folder. Law Review articles nos. 1-8, 1940-1989. See index inside folder. The American Law Review: Military Powers of Nation and State under the Constitution, May-June 1916. Law Review: The Militia: Extracts from the Journals and Debates of the Federal Constitution, 1917. Yale Law Journal: Legal and Historical Aspects of the Militia, 1917. Military Law Review: The Inter-Relationship of the U. S. Army And the National Guard by Col. Wm. L. Shaw, 1965-1966. National Guard Bureau: Memorandum on the Constitutional Issues Raised, July 1986. Law Review: University of Virginia: The Constitution and State Authority to Train National Guardsmen, 1988. Miscellaneous nos. 1-9, 1912-1987. See index inside folder. Armed Forces Act of 1952. Emergency Power Statutes, November 1973. Legislative actions, 1986-1989. Minnesota National Guard, Biennial Report, 1987-1989. Memos and news releases, 1986-1990. Montgomery Amendment, 1986. National Guard training, 1986-1990. News clippings/magazine articles, undated, 1986-1990. 7 folders. Notes, 1986-1990. Strategy, January-June 1987. Walker, LTG Emmett H., Jr., Testimony before Senate Armed Services Committee, July 1986.

Location	Box	
126.E.10.7B	2	<p>Before United States District Court, 1987.</p> <p>Pleadings Folder 1: Document nos. 1-9, January-June 1987. See index inside folder.</p> <p>Pleadings Folder 2: Document nos. 10-18, June-August 1987.</p> <p>Pleadings Folder 3: Document nos. 19-29, August-October 1987.</p> <p>Pleadings Folder 4: Document nos. 30-34a, October-December 1987.</p> <p>Memorandum in Support of Plaintiff's Motion for Temporary Restraining Order or, in the Alternative, a Preliminary Injunction, January 1987.</p> <p>Memorandum in Support of Plaintiff's Motion for Summary Judgment, May 1987.</p> <p>Amicus Curiae draft, May 15, 1987.</p> <p>Oral argument, undated, 1987.</p> <p>Before the Eighth Circuit Court of Appeals, 1987-1990.</p> <p>Judges background, undated.</p> <p>Pleadings Register, 1988-1989.</p> <p>Reply Brief of Appellants, October 14, 1987.</p> <p>Amicus Curiae Brief of Fire Arms Civil Rights Legal Defense Fund, October 15, 1987.</p> <p>Eighth Circuit argument notes, undated.</p> <p>Oral argument notes, undated.</p> <p>Opinion, December 6, 1988.</p> <p>Correspondence, December 1988 - January 1990.</p> <p>Petition for Rehearing and Suggestion for Rehearing En Banc With Answer, December 1988 - January 1989.</p> <p>Oral argument, rehearing notes, undated.</p> <p>Opinion, June 28, 1989.</p> <p>Before the United States Supreme Court, 1989-1990.</p> <p>Correspondence, October 1989 - November 1990. 2 folders.</p> <p>Correspondence regarding amicus request letter, January 29, 1990.</p> <p>Memos, February-March 1990.</p> <p>Moot Court argument, March 20, 1990. 2 folders.</p> <p>Notes, 1990.</p> <p>Oral argument notes, 1990.</p> <p>Pleadings Register: Document nos. 1-12, 1989-1990.</p> <p>Transcript, March 27, 1990.</p> <p>Opinion, June 11, 1990.</p>

Location	Box	
126.E.10.7B	2	<p>Reserve Mining Company/LTV Steel Corporation Bankruptcy, 1952-1991 (bulk 1986-1991).</p> <p>On July 17, 1986, the LTV Corporation and its subsidiaries filed petitions for reorganization under Chapter 11 of the U. S. Bankruptcy Code. At the time, LTV was the nation's number two steel maker and in Minnesota owned the Erie Mining Company in Hoyt Lakes, McKinley mine near Aurora, and half of Reserve Mining Company, which operated a taconite mine at Babbitt and a processing plant at Silver Bay. The other fifty percent of Reserve Mining Company was owned by First Taconite Company, a wholly-owned subsidiary of Armco Steel Company.</p> <p>Immediately after the bankruptcy filing, LTV notified its 78,000 retirees that it was terminating their health and life insurance coverage, claiming those payments came within the scope of the bankruptcy code's automatic stay provisions. Reserve Mining shut down both its Babbitt and Silver Bay operations when LTV filed for bankruptcy. On August 7, 1986, Reserve Mining Company filed for bankruptcy and on August 12, First Taconite Company followed suit. The Reserve Mining Company closing resulted in two major problems; one personnel related, the other environmental. Under the first, practically all benefits (health and life insurance, supplemental unemployment benefits, vacation pay, severance pay, etc.) for Reserve employees and retirees were cut off. Under the second, the tailings basin for the Silver Bay plant (Milepost 7 – seven miles up the hill and inland from the plant) needed constant maintenance (repair of leaks and oversight of the filtration system) to avoid complete failure which would result in tons of taconite tailings sliding down the hill into Lake Superior. Also, after the plant closed, rain and groundwater accumulation added more water to the basin than it could process so stress on the earthen dams had increased. A minimum number of employees had to be retained for tailings basin and dam maintenance even though the rest of the plant had shut down.</p> <p>These files document the handling of the above and related shutdown issues by the Minnesota Attorney General, as well as attempts to find a buyer for Reserve Mining Company. Eventually the Cyprus Minerals Company of Englewood, Colorado purchased the company and operations reopened in 1989.</p>

Location	Box	
126.E.10.8F	3	<p>Reserve Mining Company, 1952-1979. First Mortgage, December 1, 1952. First Supplemental Indenture, June 1, 1953. Second Supplemental Indenture, March 1, 1955. Third Supplemental Indenture, December 1, 1960. Fourth Supplemental Indenture, June 1, 1978. Fifth Supplemental Indenture, January 1, 1979.</p> <p>Reserve Mining Company: Summary of Receipts and Disbursements, 1986-1991. August 7, 1986 to January 31, April 30, May 31, 1987. August 7, 1986 to July 31, August 31, September 30, 1987. August 7, 1986 to October 31, November 30, December 31, 1987. August 7, 1986 to January, February, March, April 1988. August 7, 1986 to June, July, August, September 1988. August 7, 1986 to October, November, December 1988. August 7, 1986 to January, February, March, April, May 1989. August 7, 1986 to June, July, August, September 1989. August 7, 1986 to October, November, December 1989. August 7, 1986 to January, February, March, April, May, June 1990. August 7, 1986 to July, August, September, October, November, December 1990. August 7, 1986 to January, February, March/April, May, June, July 1991.</p> <p>Reserve Mining Company: \$105,000,000 City of Silver Bay, Minnesota Pollution Control Revenue Bonds, 1979 Series A. Document no. 1, Revenue Bond Indenture. Document no. 2, Loan Agreement. Document no. 3, Mortgage (4th Supplemental). Document nos. 4, 5, 6. Document nos. 7, 8, 9. Document nos. 10-17, 36. Document nos. 37-60. Document nos. 61-76. Document nos. 77-99.</p> <p>Reserve Mining Company: \$100,000,000 City of Silver Bay, Minnesota Pollution Control Revenue Bonds, 1980 Series A. Document nos. 1-5. Document nos. 6, 9-13. Document nos. 14, 29-41.</p>

Location	Box	
126.E.10.9B	4	<p>Document nos. 42-80.</p> <p>Reserve Mining Company: Schedule of Assets and Liabilities, December 22, 1987.</p> <p>Reserve Mining Company: Occupation Tax Refund Agreement, 1987-1989.</p> <p>Reserve Mining Company: Environmental Permits, Stipulation Agreement Correspondence, May-August 1989, April 1990. 5 folders.</p> <p>Reserve Mining Company, Alphabetical subject files, 1985-1991.</p> <p>Armco, Inc., Annual Report, 1988.</p> <p>Cyprus Minerals Company, 1985-1990.</p> <p>Report on Reactivation Costs of Reserve Mining Company, June 1988.</p> <p>Annual reports and miscellany, 1985-1987.</p> <p>Reserve Mining Company reopening, 1988-1989. 2 folders.</p> <p>Draft permits, May 1989.</p> <p>Reserve Unemployment Insurance liability, 1989-1990.</p> <p>Delta lease, 1989.</p> <p>Duluth/Silver Bay, August 31, 1988.</p> <p>Escrow agreement, 1989-1991.</p> <p>Joint funding agreement, November 1988.</p> <p>Labor union negotiations, 1989.</p> <p>LTV Corporation, Annual Report, 1989.</p> <p>LTV issues, 1990.</p> <p>Mesabi trust, 1989.</p> <p>Notes from meetings, discussions, 1988-1990.</p> <p>Pending matters as of August 1989, 1989-1990.</p> <p>Proposed agreement between State, Reserve, First LaSalle, March 31, 1987.</p> <p>Reopening negotiations, 1986-1990.</p> <p>Behre-Dolbear-Riverside, Inc., November 1987.</p> <p>Correspondence, 1986-1988.</p> <p>Iron ore pellet market assessment, March 1987.</p> <p>Northfield Mining Company offer, April 1988.</p> <p>Notes, January-August 1988. 2 folders.</p>
126.E.10.10F	5	<p>Status reports, February-April 1990.</p> <p>Taxes, June 1989.</p> <p>Tax credit transfer, 1989.</p> <p>United Steel Workers of America v. Scherling, Pleadings and correspondence, 1989.</p> <p>World Steel Dynamics, June 1988.</p>

Location	Box	
126.E.10.10F	5	<p>LTV and Reserve bankruptcies, 1984-1991. Correspondence, 1986-1991. 5 folders. Docket sheets from bankruptcy court, 1986-1987. Hot Line reports, August-December 1986. Human Rights Department motions, December 1987. Land sales, 1988. Legal strategy, January-February 1987. Meeting of creditors, 1986-1988. Minnesota Power v. Armco, Inc., 1986-1987. Notes, 1986-1987. Orders approving union settlement, Drafts, April 1987. Permits issue, 1986-1987. Potential claims by state agencies, 1986-1989. 2 folders. Research, 1984-1986. Steelworkers benefits, 1987. Steve Keefe, et al. v. Aetna Casualty and Surety Co., et al., 1986. United Steelworkers Union, 1986-1989. United States Congress, 1986. Workers Compensation, March 1987.</p>
103.I.19.10F	6	<p>Reserve Mining Company bankruptcy, 1986-1991. Pleadings no. 1: Document nos. 1-7c, August 1986. Pleadings no. 2: Document nos. 8-16a, August-November 1986. Pleadings no. 3: Document nos. 17-25, November 1986 - February 1987. Pleadings no. 4: Document nos. 26-32, February-August 1987. Pleadings no. 5: Document nos. 33-41, August 1987 - February 1988. Pleadings no. 6: Document nos. 42-52d, February 1988 - April 1989. Pleadings no. 7: Document nos. 53-53c, February 1990. In re: First Taconite Company: Pleadings: Document nos. 1-9, August-December 1986. In re: Chateaugay Corporation: (LTV bankruptcy), 1986-1991. Correspondence, 1986-1990. Pleadings no. 1: Document nos. 1-10, July-December 1986. Pleadings no. 2: Document nos. 11-19b, January-December 1987. Pleadings no. 3: Document nos. 20-28b, 1988-1989. Pleadings no. 4: Document ...notice, December 1988 - January 1989. Draft copies, 1986-1990.</p>

Location	Box	
103.I.19.10F	6	LTV Joint Plan of Reorganization and Disclosure Statement, May 1991. Reserve and LTV bankruptcies: News clippings and magazine articles, 1986-1991. 2 folders.
131.I.11.1B	7	State of Minnesota ex rel. Robert W. Mattson, Treasurer of the State of Minnesota, Petitioner, v. Peter J. Kiedrowksi, Commissioner of Finance of the State of Minnesota, Respondent, 1972-1987 (bulk 1981-1987). Documents a dispute between the offices of the Minnesota State Treasurer and the Commissioner of Finance concerning their respective duties relating to the care and custody of state funds. It was also a test case between the Treasurer and the State Legislature concerning the extent to which the legislature can prescribe the salaries and duties of the treasurer under the Minnesota Constitution, Article V, Section 4. Correspondence, 1983-1987. Loaned Executives in Action Program-Final Report, December 23, 1972. Notes, 1983-1985. Petition for Writ of Quo Warranto and Memorandum of Law, October 17, 1985. Petitioner's Brief, May 7, 1986. Position descriptions of various job in Treasurer's Office, 1981-1985. Report of the Governor's Task Force on Constitutional Officers, February 1984. Respondent's Brief, April 11, 1986. Various reports, 1983-1985. 2 folders. <i>[0.5 cu. ft. empty]</i>
126.E.10.10F	5	Farm Credit Administration, 1981-1987. Documents the efforts of the Minnesota Attorney General to combat farm credit fraud among agencies and corporations dealing with farmers and agricultural issues. Undated. Correspondence, 1985. Correspondence, 1986-1987. Proposed Rural Affairs Unit, 1981-1985. Kraml-Gates Report: An Analysis of a Proposal for a Separate Division on Rural and Farm Fraud, 1984.

