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In Memoriam

Remembrance of Hon. Walter F. Mondale '56

Garry W. Jenkins[†]

Walter “Fritz” Mondale changed all our lives through his half century of leadership and public service in Minnesota politics, in the U.S. Senate, in the White House West Wing, and as U.S. ambassador to Japan. Specifically, he transformed the model of the U.S. vice presidency and the functioning of the executive branch, strengthened diplomatic relations with a key U.S. ally, and helped shape critical U.S. law and policy in numerous areas. Closer to home, he was a leading force in the Minnesota legal community as a partner with the global law firm Dorsey & Whitney, and he inspired generations of law students and alumni at the University of Minnesota Law School with his record of accomplishments, his contributions to the institution housed in a building that bears his name, and his tireless work to improve the lives of others in Minnesota and around the world.

From his early career as Minnesota Attorney General, when he led a group of twenty-three attorneys general in filing an amicus brief in support of right to counsel for the indigent in *Gideon v. Wainwright*,¹ to his sponsorship of the federal Fair Housing Act in the U.S. Senate,² Mondale contributed in important ways to a more just and equitable world for all. His lifelong dedication to advocating for change and making an impact in his community and his commitment to collaboration and collegiality in his work are hallmarks of his leadership.

Since I joined the academy, a significant part of my teaching and my research has focused on ensuring that the notion of “lawyer” incorporates “lawyer as leader.” As the current dean of this great law

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1. 372 U.S. 335 (1963).

2. See John Nichols, *Walter Mondale's Decades-Long Crusade for Fair Housing and the Full Promise of Civil Rights*, NATION (Apr. 23, 2021), <https://www.thenation.com/article/activism/walter-mondale-housing> [https://perma.cc/J44T-B35V].

school, I often talk about the importance of lawyer-leaders. Leadership is an integral part of the Minnesota Law experience, and I believe that every great lawyer should be ready and able to accept the responsibilities inherent in wise leadership. Walter Mondale's life and career embodied the very best of the concept of a lawyer-leader and demonstrate how one can use leadership to advance institutions and promote the common good.

Most notably, Mondale is widely considered the country's first modern vice president; he laid the foundation for today's heavily involved and integral vice presidents, who seriously contribute to the governance of the country.³ Before Mondale, the vice president was often a figurehead distanced from the day-to-day governing of the presidency, and the office was frequently the subject of derision.⁴ As Joel Goldstein, one of the leading legal scholars of the vice presidency, wrote, "[t]he Mondale vice presidency was the institutional 'big bang' that transformed the office."⁵ Working alongside President Jimmy Carter, Vice President Mondale conceived and implemented a new vision for the job, integrated his staff with the President's staff, worked closely with President Carter from the West Wing, and established a set of resources and expectations for the vice presidency.⁶ With his measured guidance and transformative leadership, Mondale elevated the vice president's role into that of key advisor and troubleshooter for U.S. presidents in a way that no one else had done before or could have done in the position.⁷

Then in the early 1990s when Japanese officials signaled a desire for an *omono*, or big shot, ambassador, President Bill Clinton turned to Walter Mondale to serve as his envoy to Japan.⁸ He remains the only

3. See JODY C. BAUMGARTNER, *THE AMERICAN VICE PRESIDENCY RECONSIDERED* 2–3 (2006).

4. See JOEL K. GOLDSTEIN, *THE WHITE HOUSE VICE PRESIDENCY: THE PATH TO SIGNIFICANCE, MONDALE TO BIDEN* 1–3 (2016).

5. Joel K. Goldstein, *The Rising Power of the Modern Vice Presidency*, 38 *PRESIDENTIAL STUD. Q.* 374, 377 (2008).

6. See BAUMGARTNER, *supra* note 3, at 130; GOLDSTEIN, *supra* note 4, at 66–92 (describing the Mondale Model); Steven M. Gillon, *A New Framework: Walter Mondale as Vice President*, in *AT THE PRESIDENT'S SIDE: THE VICE PRESIDENCY IN THE TWENTIETH CENTURY* 144, 146–48 (Timothy Walch ed., 1997); Goldstein, *supra* note 5, at 377.

7. Goldstein, *supra* note 5, at 377 (noting he doubts “the vice presidency would have grown as it did had [Carter] chosen . . . any of the others” he considered for the second spot on the ticket).

8. See Ken Moskowitz, Opinion, *Ambassador to Japan Walter Mondale: An Appreciation*, *DIPLOMAT* (Apr. 21, 2021), <https://thediplomat.com/2021/04/ambassador-to-japan-walter-mondale-an-appreciation> [https://perma.cc/VAX7

former vice president ever to serve as a U.S. ambassador. Not surprisingly, employing his formidable leadership and interpersonal skills, Mondale proved himself a culturally sensitive and skillful foreign diplomat who “developed a reputation among both Americans and Japanese as one of the most effective ambassadors to Japan in recent memory.”⁹ Reflecting on Mondale’s death, Japan’s Foreign Minister Toshimitsu Motegi praised Mondale for laying “the foundation for today’s strong Japan-U.S. relationship and ma[king] a great contribution to strengthen the alliance.”¹⁰

With his deep experience in politics and global affairs, Mondale fully understood the critical role of lawyers in society and defending democracy. In fact, as we confront today’s moment of democratic backsliding, as reflected in former President Donald Trump’s effort to undermine and overturn the 2020 presidential election and in the subsequent January 6, 2021, insurrection, some of Mondale’s words—expressed more than four decades earlier—seem particularly prescient. Speaking after Watergate in 1978, he said:

[P]erhaps the most compelling lesson of our recent Constitutional crisis, was how fragile our laws and legal intuitions are, when our highest officials decide to ignore them What truly makes a difference, what holds the key to our survival as a free nation, is not just the rules of law, which you can find in the U.S. Code, it is above all the rule of law found in the collective consciousness of our people.¹¹

In his acceptance speech at the 1984 Democratic National Convention, he introduced himself as someone who “grew up in the farm towns of southern Minnesota. [The son of] a preacher and . . . a music

-PW6E]; Elaine Kurtenbach, *Japanese Welcome News That ‘Big Shot’ Mondale to be Ambassador*, ASSOCIATED PRESS, Jun. 10, 1993 (noting that Japanese newspapers almost unanimously described Mondale as an *omono* or big shot); see also Eric Johnston, *U.S. Ambassadors to Japan: A Litmus Test for Ties*, JAPAN TIMES (Jun. 15, 2021), <https://www.japantimes.co.jp/news/2021/06/15/national/politics-diplomacy/us-ambassadors-japan> [<https://perma.cc/WM6U-LCKF>] (quoting Masaru Nishikawa, a Tsuda University professor whose research areas include U.S.-Japan relations as saying that the appointment of Mondale signaled that “Japan is important to the U.S.”).

9. Kevin Sullivan & Mary Jordan, *Walter Mondale’s Sayonara*, WASH. POST (Nov. 14, 1996), <https://www.washingtonpost.com/archive/lifestyle/1996/11/14/walter-mondales-sayonara/fcf6b272-7bd0-4e92-a95a-e2ce1086a135> [<https://perma.cc/T9XD-STMG>].

10. Hiroshi Tajima, *Ex-U.S. Ambassador Made Great Contributions to Japan-U.S. Relations*, JAPAN NEWS (Apr. 21, 2021), <https://the-japan-news.com/news/article/0007330400> [<https://perma.cc/N6VE-747K>].

11. Hon. Walter F. Mondale, Remarks at University of Minnesota Law School Building Dedication (Apr. 4, 1978) (transcript available in University of Minnesota Law School Library) [hereinafter Remarks of W. Mondale at Building Dedication]. Note that the building was later, in 2001, rededicated and named for Mondale.

teacher. . . . We never had a dime. But we were rich in the values that were important; and I've carried those values with me ever since."¹² Those values were still on display when I met him decades later. Throughout his career and into his later years, Mondale was known to be kind, thoughtful, and insightful. He had an abiding sense of goodness and embodied integrity and civility.

He was also a ferociously loyal alumnus of the University of Minnesota Law School. I had the pleasure of speaking with the Vice President (as we still called him) regularly since he was always available to me by phone or, if need be, in person. Because of these conversations, I can confirm that he shared my passion for Minnesota Law and the ability of our faculty, students, and alumni to make a difference in the world. As a prominent and engaged member of our alumni community, Mondale enjoyed visiting the school, attending our programs and events (especially the Stein Lecture series), making cameo appearances in shows put on by the Theatre of the Relatively Talentless (TORT),¹³ and lending his name to our Law School ice hockey team (the "Fighting Mondales"). His involvement was not merely about taking a nostalgic trip down memory lane but rather about active engagement. He collaborated with faculty on teaching, research, and conferences, and he especially enjoyed taking with and learning about the thoughts, concerns, and approaches of new generations of students who have passed through our hallways.

I have many special personal memories of my times with Fritz, but the interaction I most cherish took place on Friday, April 14, 2017. We were seated together in the Ted Mann Concert Hall on campus for the annual TORT show when, during intermission, the law student performers escorted Fritz to the stage to serenade him with a song in his honor. Fritz loved it. He smiled and laughed with glee and delight (and maybe, I hope, a touch of pride) as the students turned his life into song. Sung to the tune of the opening number of Lin-Manuel Miranda's hit musical *Hamilton*,¹⁴ "Alexander Hamilton" became "Walter Frederick Mondale." The TORT students, using the lead song from a musical that has demonstrated incredible power in bringing people together, crafted brilliant lyrics that captured Mondale's extraordinary career and his impact. Here are some notable lyrics:

12. Hon. Walter Mondale, Address Accepting the Presidential Nomination at the Democratic National Convention (July 19, 1984).

13. TORT is a theatrical company that stages musicals written, produced, directed, and performed by Minnesota Law students.

14. LIN-MANUEL MIRANDA, *HAMILTON: AN AMERICAN MUSICAL* (2015) (the acclaimed Broadway musical about the life of founding father Alexander Hamilton).

Walter Frederick Mondale
His name is Walter Frederick Mondale
And there's so many things that he has done
For this state, for the states
...
He wanted to fight for civil rights, fair housing
And protect consumers
Got selected, elected for his state that he adored
Voting, passing bills, becoming senator-tour-d'force
...
Oh, Walter Frederick Mondale (Walter Frederick Mondale)
Made the White House a team of two
Made them listen to what you say
Always worked to make real change!
VPs have never been the same, oh
...
Statesmen fought with him
Citizens looked up to him
Presidents trusted him
Minnesotans love him
And we? We're the damn school that taught him
There's so many things that he has done
He led the way!
What's his name, man?
Walter Frederick Mondale!¹⁵

Walter F. Mondale had a life well lived, and our country is better because of it. While our Law School community will miss him greatly, Mondale's legacy will continue, in part through the University of Minnesota Law School as we pursue our enduring mission, which he once described as placing "no higher objective than teaching students about their special obligation to society as lawyers."¹⁶ His life and accomplishments will continue to inspire future generations of law students who enter through the doors of the building that bears his name. And Minnesota Law will, forever, proudly proclaim that we are the school that taught him.

15. Lyrics: *Walter Frederick Mondale* ("Alexander Hamilton") from the TORT Producers (University of Minnesota Law School, TORT 2017) (on file with the author).

16. Remarks of W. Mondale at Building Dedication, *supra* note 11.