

# Former U.S. District Judge Paul Benson dead at 85

- Benson handled two of North Dakota's most closely followed murder trials during 27 years on federal bench

## Associated Press

BISMARCK, N.D. — Former U.S. District Judge Paul Benson, who got his start in Cavalier, N.D., and Grand Forks and later presided over high-profile murder trials involving American Indian activist Leonard Peltier and suspects in the killing of two federal marshals, has died. He was 85.



Benson

Benson died Thursday in the Willow Pointe assisted living center in Verona, Wis., a suburb of Madison, said his daughter, Polly. He had taken senior status, with a reduced caseload, in 1985 and retired in 1988.

Attorney General Wayne Stenehjem, who said he handled a number of cases before Benson as a private lawyer in Grand Forks, said the judge was both

tough and compassionate.

"He had a reputation as somebody who was a hard worker, a strict man, but a very compassionate judge and a very good, thorough and always well-prepared judge," Stenehjem said.

U.S. Magistrate Karen Klein called Benson her first mentor. "He was a very shy man. It would have been incompatible with his personality to talk about leaving a legacy," Klein said.

## Two murder trials

Benson handled two of North Dakota's most closely followed murder trials during more

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than two decades on the federal bench — the 1977 trial of Peltier in Fargo for the deaths of two FBI agents, and the 1983 trial of four people in a shootout near Medina, in central North Dakota, in which two federal marshals were killed.

In 1986, federal marshals were assigned to protect Benson and his family after the judge received a mail bomb. It was disarmed when a court security officer became suspicious.

"In his own way, he was a very kind, gentle individual, but he was very much to himself, and that's the way he saw judging," said attorney Jim Hill of Bismarck, who was a law clerk for Benson in the 1970s.

"He would isolate himself and attempt to judge in the fairest manner possible," Hill said.

Klein said Benson delayed taking senior status for a few months so he could make sure the state had a full-time magistrate position.

## Lawyers in awe

"He looked like everybody's picture of a judge — he was tall; he had white hair," Klein said. "Lawyers, I think, generally were in awe of him."

"There were people who criticized him because they felt he was rigid," she said. He felt strongly, she said, about "remaining true to the law rather than bending his application of the law to fit his own personal views."

Benson's funeral is scheduled for 11 a.m. Thursday at the United Lutheran Church in Grand Forks.

Benson, a nephew of the late U.S. Sen. Milton Young, R-N.D., was appointed to the federal bench by Richard Nixon in July 1971. He succeeded Ronald Davies in the judgeship, which was based in Fargo.

Benson was an aide to Young in the late 1940s in Washington, D.C., while he attended law school at George Washington University. He

served in the Navy after graduating from UND in 1942, leaving four years later as a lieutenant.

## Area connections

After getting his law degree, Benson worked briefly as a private attorney in Cavalier before joining a Grand Forks law firm in 1960.

He remained there until he was appointed to the federal bench, except for a seven-month stint in 1954 as North Dakota's attorney general. Benson completed the term of the incumbent, Elmo Christianson, who resigned after he was convicted of a federal charge of conspiring to bring illegal slot machines into North Dakota.

In 1977, Benson presided over the jury trial of Peltier, an American Indian Movement member who was sentenced to two consecutive life terms for killing two FBI agents on South Dakota's Pine Ridge Indian Reservation.

Six years later, Benson handled another high-profile murder trial, involving the shooting deaths of two federal marshals during a February 1983 confrontation near Medina, in central North Dakota.

Two of the four defendants, Yorie Kahl and Scott Faul, were convicted of murder and sentenced to life in prison. Yorie Kahl's mother, Joan, was acquitted, and another man, David Broer, was convicted of conspiracy and harboring a fu-

gitive.

Yorie Kahl's father, Gordon Kahl, whom the marshals had been trying to arrest, fled to Arkansas, where he died in another shootout four months afterward.

A history of the state's federal judges, "Patronage: Histories and Biographies of North Dakota's Federal Judges," written by former law clerk Ardell Tharaldson of Bismarck, says the heightened security around Benson continued for several years after he received the mail bomb in 1986.

Klein said the bomb threat did not drive Benson's decision to take senior status. But she said the security cost him and his family their privacy.

"I think the security detail ... and the sense of a threat hanging over him and over his wife all the time, really did take its toll on both of them," she said. "They had marshals with them at the grocery store, with them on vacation — everywhere."

Benson was born June 1, 1918, near Verona, in LaMoure County in southeastern North Dakota. He attended county schools, and graduated from UND in 1942. He married his wife, the former Laurel Johnson of Grand Forks, that year.

Hill and Klein said Laurel Benson died several years ago. The couple had five children.

Visitation is scheduled Wednesday, from 5 p.m. to 7 p.m. at the Amundson Funeral Home in Grand Forks.

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