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A Fallen Judge Rethinks Crime and Punishment

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GOLDEN VALLEY, Minn. - His last night behind bars, Roland

Amundson was sitting in the prison library when he felt the large shadow of someone standing over him. He looked up to see the inmate others feared the most, a former motorcycle gang leader who had been convicted of killing a man in a bar fight - a murder so violent the court doubled the standard sentence.

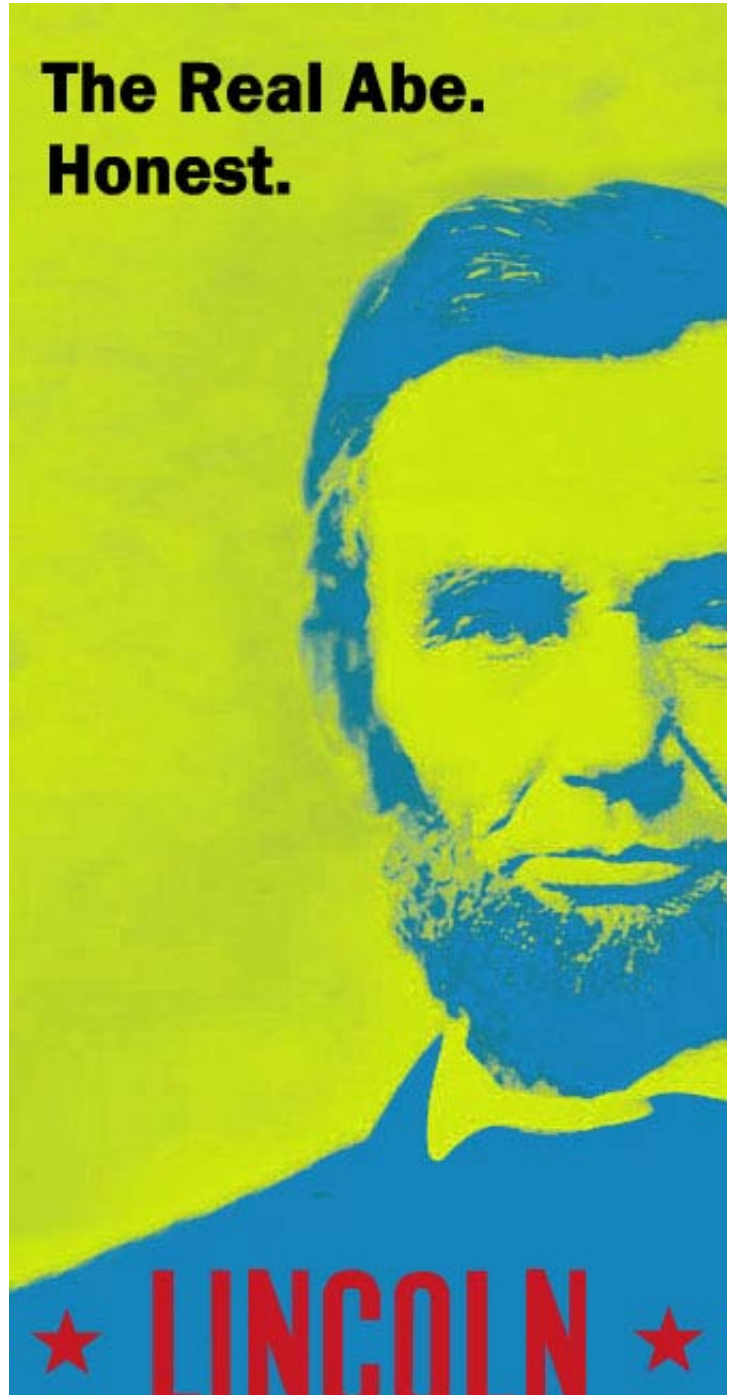


The man wanted to talk.

Mr. Amundson had been the appellate judge who upheld that unusually strict sentence. Now, he was just a fellow prisoner, inmate No.

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The Real Abe. Honest.





Ingrid Young for The New York Times

Roland Amundson at a halfway house in Golden Valley, Minn., where he will live until he is a free man.

209383. "He asked if I remembered him," Mr. Amundson recalled in an interview in December. "He

wanted me to know he didn't hold any hard feelings against me."


The encounter in October, Mr. Amundson said, was one of a dozen times in his three and a half years in prison that he was confronted by inmates whose sentences he had ordered or upheld in 15 years as a judge. Those experiences and Mr. Amundson's other dealings as a convicted felon - at his sentencing, prosecutors turned the words of his rulings against him to justify a longer term - have shaken the world view of a man who, from the bench, thought he knew all there was to know about crime and punishment.

Until 2001, Mr. Amundson, who is 56, was a highly regarded judge who sat on the Minnesota Court of Appeals, the state's second-highest court. Mentioned in legal circles as a likely nominee to the State Supreme Court, he was a popular public speaker, served on charitable boards in Minneapolis, and seemed to know everyone. Colleagues described him as brilliant and charming.

Then he was caught taking \$400,000 from a trust fund he oversaw for a woman with the mental capacity of a 3-year-old, money he spent on marble floors and a piano for his house as well as model trains, sculpture and china service for 80, all bought on eBay.

Now, serving the last months of his sentence in a halfway house here, Mr. Amundson is engaged in an uneasy and humbling round of self-reflection,

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examining the criminal justice system from a rare two-sided perspective while busying himself with a menial vocation: shoveling snow and taking orders to the printer for a sewing machine company he represented long ago as a lawyer.

"Judges can say they have no idea what's going on in prison," Mr. Amundson said from a worn couch in the halfway house. "But if you know what's going on and you are still callous, God help you. If you are part of the system that does the things the system can do, God help you."

Like Sol Wachtler, the former chief judge of the New York State Court of Appeals who pleaded guilty in a harassment case and spent 13 months in federal prison in the early 1990's, Mr. Amundson belongs to a small group of distinguished jurists undone by the laws they had been sworn to uphold, who later came to claim redemption in their undoing.

In Mr. Amundson's case, it is a transformation that some people he hurt find unconvincing. "I don't think he feels like he did anything wrong," said Karen Dove, a guardian for Mr. Amundson's victim.

Prosecutors say they are skeptical that Mr. Amundson has learned much in prison; he has continued, they say, to expect special treatment. At one point, he tried to get into a boot camp program that would have halved his sentence; prosecutors blocked the move, saying it was intended for inmates with drug problems or illiteracy.

More recently, Mr. Amundson raised eyebrows with a Christmas card featuring an unshackled ball and chain. It included quotes from Dostoyevsky and Solzhenitsyn about the redemptive value of prison, as well as a picture of Mr. Amundson with his four young sons -

reminding some of his critics of how many lives he has hurt.

"It was another indication that he hasn't seen the light," Ms. Dove said.

But relentlessly cheerful - "Come into my chambers," he greeted a visitor, his arm surveying his small cubicle with a leather chair jammed into the corner at the sewing company in nearby Eden Prairie - Mr. Amundson said he wants to use his experience to promote the importance of rehabilitation in prison.

After a boom in prison populations, there are now a record number of ex-felons getting out of prison each year - about 640,000 a year, up about 40 percent over the last decade - and more than half of them end up back there. Across the country, officials are experimenting with ways to smooth re-entry and prevent recidivism, with drug treatment or job training.

Mr. Amundson could get out 23 months early, in April, because of good behavior. He has surrendered his law license, and with few prospects for the future, says he wants to create homes for men coming out of prison, giving them a place to live and help with other hurdles to successful re-entry.

As a judge, Mr. Amundson says he had not thought about sentencing beyond his court; he has come to see its consequences from fellow inmates.

"I knew the era of rehabilitation was over, but I had no idea we had reduced it to just warehousing, and I don't think most judges do," he said.

Mr. Amundson recalled one man he met in prison who had been convicted of killing his parents

after they abused him. At 18, he was sentenced to 18 years.

"At 34, he is completely incapable of living in society," Mr. Amundson said. "He's been raised by corrections officers."

Mr. Amundson, who is openly gay, continues to struggle with the court system in a custody battle with his former partner over their four adopted sons from Russia. He grew bitter about prison restrictions on communicating with the boys. What determines successful re-entry into society, he said, is family support.

"If there is any collection of men who need fathers more than the men in prison, I don't know it," he said. "You're dealing with men who need fathers and yet you're decimating their relationships with their children."

By the time he began adopting children in 1998, Mr. Amundson had been stealing for at least three years. He had set up a trust in the early 1990's for the mentally retarded daughter of a wealthy beer distributor he knew from his days representing the state's beer wholesalers. When the man died, Mr. Amundson became sole trustee.

He recalls putting his hand in his desk drawer and pulling out the first of 85 checks he forged. "It was like somebody else was doing it," he said.

Ms. Dove and another woman who worked for the retarded woman, now in her 30's, became suspicious in 2001 when they asked Mr. Amundson for money for a new roof on the woman's house, and he said the trust was empty. It had been worth more than \$600,000 when the father's estate was settled seven years earlier.

In retrospect, Mr. Amundson says he wanted to

be caught.

"I was tired of being Rolly Amundson, tired of being at everybody's beck and call, just tired," he said. "This was my vehicle to end it all."

Amy Klobuchar, the Hennepin County attorney, saw it in simpler terms. "I believe he was greedy and wanted to live a lifestyle that he didn't have the money to live," she said in December.

Mr. Amundson resigned as a judge and agreed to plead guilty, but he haggled over sentencing, she said, trying to avoid prison time. He sought to mitigate his sentence in 2002 by arguing that he suffered from bipolar disorder, but prosecutors pointed out that he had written an opinion rejecting psychological factors as mitigating. They sought a sentence 12 months longer than the guidelines recommended; Judge Amundson himself, they noted, had written opinions upholding extended sentences in cases where the victim was particularly vulnerable.

The judge sentenced Mr. Amundson to 69 months, as prosecutors requested, saying he had been drunk on power, and had acted not out of depression but out of a sense of entitlement. Mr. Amundson called in a long line of prominent witnesses - his pastor, a former Miss America, a former ambassador - to argue against a harsh sentence.

For her part, Ms. Klobuchar had what she recalled as "her guardian angels," two black defendants who happened onto the courtroom after they appeared in court on drug charges, and sat in the front row expressing their outrage as Mr. Amundson's friends testified.

"I don't think he should be treated any differently than the people that have walked through his own courtroom," she said.

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