

**Gary Flakne** Legislator, Hennepin County attorney

# He led a first-of-its-kind trial in hockey, and spread laughs

By DAVID PETERSON • dapeterson@startribune.com



Bjarnie Anderson will always ask himself whether the case that made his boss notorious also ended a career in politics that could have taken him to the governor's office or the U.S. Senate.

Gary Flakne, who died of multiple organ failure Sunday at the age of 81, soared into the national spotlight in the 1970s when, as Hennepin County attorney, he tried a Boston Bruins player for criminal assault in an attack during a game on a Minnesota North Star.

The case, described as the first of its kind in hockey history, ended in a hung jury. Lingering criticism over the decision to prosecute at all "may have sown the seeds of Gary's defeat in 1978," said Anderson, his then-chief of staff. "He had been extremely popular, winning even labor and college student wards as a Republican."

Flakne himself ruefully recalled, in a family video on YouTube recounting his life, that he "went down in history as the first person ever to have an assault committed in front of 18,000 people who was not able to get a conviction."

Friends and family recalled Flakne as a comedian, a showman and an actor — to such an extent that it was easy to forget the substance of his reform-minded career as a legislator and prosecutor.

But then, none of them could resist sliding toward his comic side as they described his life.

Lyall Schwarzkopf, the former Minneapolis city administrator, ran in the 1960s for the Legislature on a team with Flakne and Wayne Popham. Since the name "Schwarzkopf" in German means black head, he recalls, "Gary used to refer to the three of us as 'blackhead, acne and pop 'em.'"

Flakne's death, said Anderson, means that "there are peals of laughter in heaven right now."

Yet it would be a mistake, he added, to overlook Flakne's record as one of the progressive Young Turk Republicans responsible for waves of reform legislation, and later his nationally significant innovations in the field of victims' rights as county attorney.

Immensely proud of his Norwegian heritage, Flakne's life is a reminder of another political age altogether, said his son, Brian, with whom he practiced law until 2013.

"Gary had friends across the aisle," Brian Flakne said. "They stabbed each other in the back, but at the end of the day, they passed legislation. They came together and made something happen."

"We had political ferment in the '60s over the rights of disadvantaged minorities, and those really impacted housing," he continued. "Gary and Popham and Lyall and others passed a major piece of civil rights legislation making racial discrimination in housing illegal, and a Republican governor signed it with Gary standing next to him."

Brian Flakne said his father began life as a "rambunctious juvenile" whose own father, the first mayor of St. Louis Park, yanked him from a public high school and sent him off to military school to impose some discipline.

Something clicked. Flakne later graduated from the University of Minnesota and William Mitchell College of Law in St. Paul. He was a state representative from Minneapolis for six terms starting in 1962, and rose to assistant House minority leader before being named county attorney in 1973.

That, and his election to another term, was a supreme moment, friends said. Flakne's father, whose law practice he inherited, had sought the same post without success.

Besides his son Brian, Flakne — most recently of Edina — is survived by his wife, Patricia; children Ross, Keith, Mark, Allison, Donna and Leslie; and 12 grandchildren.

Services will be held at 11 a.m. Friday at Wooddale Church, 6630 Shady Oak Road, Eden Prairie, with a reception at 9 a.m. and refreshments after the service.

"There are peals of laughter in heaven right now."

— Bjarnie Anderson, Gary Flakne's onetime chief of staff