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Name: Judiciary Branch comments, Arthur Hippler, Andrew Kleinfeld and Judge Buckalew.

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The recording begins with unclear talking [by Judge Buckalew, as indicated later in the recording]. Alaska Natives are full American citizens [unclear.] That places a burden "on the rest of us" [unclear.] It also means that [unclear talking.] [Unclear talking.]

3:41 Another man's voice addresses the previous speaker and says he has been a lawyer for many years, and a delegate to Alaska Constitutional Convention. [Unclear.] Yet another man's voice says he wants to ask a question. [Unclear discussion and answer.]

6:03 Yet another man says that he'd like to make a few comments. The problem with traveling judges vs. resident judges is that there's not always enough judicial business to justify the cost of resident judges. In theory, as air travel improves and the costs go down, traveling judges are pretty cheap. They, however, have families whom they might want to be with and they wouldn't like early travel time just like anybody else.

People also can travel but they won't because they are human beings. The federal court system is a notorious example of this as most lawyers reside in Fairbanks for practical purposes. There's no federal court and federal law is not used even if it could be.

8:12 The federal court [unclear] that the next federal judge will live in Fairbanks but he never does. He can hop into a plane and come to Fairbanks in 20 minutes. They have lots of work on their desks and they don't like to spend time in airports any more than the rest of "us."

The idea of a judge is to apply the law and he has to be someone who knows the law and that requires some education. [Unclear talking about magistrates.]

10:18 Another point that the speaker wants to make is the problem with judicial [unclear] in politics which is more complicated than it is made out to be. Politics is not eliminated when they have a judicial council that is gathering nominees. The speaker thinks that in role of politics is [unclear] and instead of looking to Democrat or Republican Party to get a judge, it helps a lot to know somebody who's [unclear] with the government. [Unclear talking.]

To think that there's no politics involved in becoming a judge is an oversimplification. [Unclear talking.]

12:29 There are many reasons, besides the money, why many people don't apply to be judges. The speaker was a U.S. Magistrate in Fairbanks for three years, and it was a lot less interesting and fun than his private law practice was. Many people don't want to be judges because being a lawyer might be more satisfying. The speaker says that they have lot less problems having top-notch lawyers applying to higher level positions than lower.

It's also hard to stop a private practice and it's a tremendous amount of work to get someone else to pick up one's [unclear] and be responsible with one's files.

14:45 [Unclear talking.]

There aren't many reasons, except gossip, to why people would want to watch [unclear], divorce trials or civil cases with automobile accidents. Judicial business is an area in which [unclear]. [Unclear talking.] Thus, the public doesn't know much about what is going on in the court. [Unclear talking.]

17:56 One difficulty in putting on a seminar in judiciary article [unclear]. One of the difficulties was that when they asked lawyers to [unclear] judicial article, [unclear] they would write it the same way today. [It's a] beautiful constitutional article that worked out beautifully. [Unclear] in United States. There has never been as much as a [unclear] corruption that they find in other states. [Unclear talking.]

One of the best examples is the judicial council. There isn't any inherently [unclear] from the way the article on judicial council is written. It involves seven people: Three lawyers [unclear] by the bar, three non-lawyers appointed by the Governor and the [unclear].

[Unclear talking.] They don't necessarily coincide. However, it could serve a little fraction that is influenced by politics and corruption or a buddy-system. [Unclear.]

It doesn't serve that way at all and it's a serious body with [unclear]. It has done a great job about [unclear].

21:00 The reason is that it has a tradition of trying to do a great job and not just celebrating buddies. [Unclear.] If people have any other ideas, they learn quickly to be embarrassed by them. Another reason is the bar poll. The speaker had suggested before that only people who know anything about the court are the ones who have some reason to be in them and that includes mostly lawyers and judges. The judicial council [unclear] the bar for people who want to be judges and they don't follow the 5-fold line but consider it. That's important because there's no constitutional command to poll a bar and there's no constitutional requirement [unclear] the bar poll.

The speaker doesn't think that the judicial council is a meaningful body without the bar poll and he thinks that without it, they wouldn't be able to succeed in hiring good men. [Unclear talking.] One way to find out if "a man" is good and honest, is the bar poll, but it's not constitutionally required.

22:45 Any kind of [unclear] with judiciary article is likely to have an impact on historical position that is growing around "us." [Unclear talking.]

The speaker opens the floor for questions and comments to the Constitutional Convention [unclear].

[An unclear question or a comment.] A delegate from Unalakleet introduces himself and says that there are problems in the bush. He recalls that a number of years ago, they had no legal assistance out in the villages and [unclear] they realized some of the problems. One of the things he appreciated was that they took the time to work [unclear]. They worked under "his" direction while traveling to the villages. The speaker doesn't know where he got his funds from but it made it possible for the speaker to travel to the villages with the U.S. Marshal, and thus he was working with councils [unclear].

25:19 The speaker has lots of respect for the type of judicial system where it is possible to unclear talking]. Judiciary committee made it possible for other judges and other courts to [unclear]. He wonders if they have to be more patient with the process that is going on in the magistrate and look [unclear]. There are college graduates in the bush with basic qualifications that [unclear]. That doesn't constitute for law training.

The speaker can think of another area for comparison [unclear]. His wife is a nurse in a village and not qualified as a doctor but [unclear]. They do all they can to work with magistrate system until such a time that the population [unclear].

27:12 [Unclear comment.] The speaker says that he thinks that they have to have lots of faith. There is no evidence that they would have an Alaska Native physician even in next 10 years.

Medical health aids in villages are in radio communication with a hospital in Anchorage and they are trained in first aid. Registered nurses have more medical knowledge than anybody else. [Unclear talking.] It is important to provide good quality medical care for rural residents.

[Another man gives an unclear comment about registered nurses in villages.]

31:25 Leslie Nerland introduces himself and says that he was a delegate for constitutional convention. He says he recalls that shortly after the constitutional [unclear] and before it was approved by the electorate, at least one local attorney in Fairbanks and some others came to Nerland and objected to the manner they had decided that judges should be elected. One of them definitely felt that judges should be elected. [Unclear] system is effective and good.

[Another man's voice says something unclear. Unclear discussion]

33:12 Yet another man's voice says that whenever one goes Outside, particularly to the state of Washington, one sees ads for judges for Supreme Court [unclear]. The idea that [unclear] to judges, they are going to need campaign funds [unclear]. [Unclear] seems to be an embarrassing process that produces competent people who go on to be impartial [?]. [Unclear talking.]

[Another man says something unclear.]

35:52 A man's voice asks for more questions or comments. Another man says that education is a long process and [unclear] but not too many years ago they didn't have teachers among Natives who would qualify to [unclear]. Now there are several qualified teachers who are teaching in the bush after having graduated high school and college. [Unclear talking.]

Another man says that the constitution is neutral and [unclear]. All people are entitled to equal protection under the law and there's no distinction between different geographies or cultural traditions. [Unclear talking.] They have the possibility to educate the whites as well as Natives.

38:43 They [unclear] spend next three hours talking about how they should bring judicial services to the bush [unclear]. Certification program [unclear] the state of Idaho has just done that [unclear] magistrate where their jurisdiction is increased to [unclear].

[Unclear discussion.] A man's voice says that in [unclear, maybe 'enabling'] legislation, which created the Constitutional Convention, legislators made every effort to ensure that the 55 delegates would be representative of the whole state, particularly rural areas. The Congress set up numbers of the legislature but even at that time, in 1955, that legislature realized that Alaska constitution would have to be [unclear] by people outside of populated centers. That was a wise decision.

40:32 A man's voice asks if there are more questions or comments. [Unclear talking.] A woman's voice asks if scholastic requirements for lawyers have been reduced in order to upgrade judicial system in the bush. [A man's voice says something unclear.] The lady asks if the man is opposed to the program. He says that it's a legislative issue, and that he's definitely opposed to [unclear] program. Another man says he'd be happier with a lawyer who hasn't gone to school than with a law school dropout, because maybe the dropouts just didn't make it there. He knows someone like that.

43:20 The lady says [unclear] to get Natives and bush people to be lawyers and judges and if they should continue sending them to Anchorage or wherever they need to go.

A man's voice says that Natives are just as smart as white people and while not all Natives, like not all whites, can go through law school, there are those who do. The opportunities for Natives who aren't lawyers are so great that it's tempting to [unclear] and take an advantage of them. He thinks that the young people who are now graduating college will become good lawyers.

Another man says that it's not guaranteed that Natives who go through law school will go back to the bush. He doesn't think [unclear] and it's hard to get them to return to the bush from urban centers. They could have them live in central areas and travel to the villages. That's the way to get judges to the bush rather than putting unqualified people into judicial positions.

45:16 Another man says that there's a strong argument against putting people into judicial positions just because they are from the local communities. The whole Anglo-Saxon legal tradition has increasingly found out that there's a great need for objectivity and they would be very nervous if the judges were related to the

defendant or anyone else. They shouldn't take cultural peculiarities into an account when dealing with legal system. The speaker thinks that helping local people into positions of judges would be a disastrous step.

The moderator asks for more comments and if the panelists would like to comment on the discussion. [Unclear talking.]

46:50 A man introduces himself as a prosecutor who tries cases in the bush and he says that there is a social order in the bush and they are imposing their system. The previous speaker says that prior the arrival of U.S. court system, the only social order was gossip. There weren't good responses to murderous activities and there's evidence of that.

[End of the recording.]