

## INTERVIEW OF VICTOR CARLSON

CONDUCTED BY KAREN BREWSTER  
AND MIKE SFRAGA

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## TAPE 1 - ORAL HISTORY

KAREN BREWSTER: Today is January 24, 2012 and this is Karen Brewster and I'm here in Anchorage, Alaska with Judge Victor Carlson at his home here in downtown Anchorage and I am joined by Mike Sfraga and this is for the Judges Oral History Project and I appreciate your time.

VICTOR CARLSON: Thank you.

KAREN BREWSTER: For putting up with all of our fiddling to get it just right.

VICTOR CARLSON: Not a problem.

KAREN BREWSTER: I was just going to start out a little bit with you telling us a little bit -- I am going to start out with you telling us a little bit about your personal background.

VICTOR CARLSON: I am a Michigan farm boy from near Grand Rapids, Michigan. grew up on a small family farm, attended a one-room country school and walked to school.

KAREN BREWSTER: And when were you born?

VICTOR CARLSON: May 20, 1935.

KAREN BREWSTER: Okay. And what was your family like?

VICTOR CARLSON: My father was from a Swedish American family. His parents had emigrated from Sweden and he was the second eldest of nine children and my mother was from an old American family and she was the eldest of six children.

KAREN BREWSTER: And do you have brothers and sisters?

VICTOR CARLSON: I have a younger brother. He is four years younger, Lee, and he lives in Palo Alto.

KAREN BREWSTER: Oh, California?

VICTOR CARLSON: Yes.

KAREN BREWSTER: Uh-huh. Well, your parents came from large families, but they didn't have such a large family of their own?

VICTOR CARLSON: Well, I am a depression child and, of course, that determined a lot of things in our lives and then World War II came along and so forth, yes.

KAREN BREWSTER: Uh-huh and what about your educational background?

VICTOR CARLSON: Well, after seven years, through the six grade in a one-room country school. I rode the school bus to Greenville, Michigan High -- Junior and Senior High School. I was very lucky to get to go to a city school for the seventh and eighth grade, as well as high school. It had a library and very good teachers and I thought it was magical that I was so lucky to be there and I had some very good teachers, one of them Mrs. Briggs who took an interest in me and encouraged me to go to the University of Michigan. I was the only one of my class of 79 graduating at '53 to attend the University of Michigan. Most went to Michigan State or one of the other colleges.

KAREN BREWSTER: So what was it that gave you that opportunity to go to a city school?

VICTOR CARLSON: Well, because our country school sent its seventh and eighth graders to that city.

KAREN BREWSTER: Oh, okay.

VICTOR CARLSON: To school. There were -- and the school bus came by the house.

KAREN BREWSTER: And so what did you study in college?

VICTOR CARLSON: I studied business administration, accounting specifically. I decided I wanted to be a lawyer when I was in the seventh grade going to Greenville High School.

KAREN BREWSTER: What inspired that decision?

VICTOR CARLSON: Well, I only knew about the traditional professions like the ministry and I rejected that and I didn't think I wanted to become a medical doctor and so what else was left but law. I didn't know about engineering or so many other things.

KAREN BREWSTER: And rural farming was not what you wanted to do?

VICTOR CARLSON: I knew that I was going some place different. I liked farming. I liked working on the farm and it was a good life, but both my brother and I knew we were going some place else.

KAREN BREWSTER: And your parents encouraged that?

VICTOR CARLSON: They encouraged us to do what we wanted to do, yes.

KAREN BREWSTER: I am going to stop for a second. So, you went to law school where?

VICTOR CARLSON: Well, I went to law school at the University of Michigan as well.

KAREN BREWSTER: Okay.

VICTOR CARLSON: But first I served two years in the Navy on active duty between undergraduate and law school.

KAREN BREWSTER: Uh-huh. And where was that?

VICTOR CARLSON: Adak.

KAREN BREWSTER: Wow, so tell us about that experience.

VICTOR CARLSON: I was a disbursing office at Adak, which is an island in the center of the Aleutians and -- from -- for 19 months, 1957 through mid-1959 and it was an interesting experience. It was the most at ease I had ever been in my whole life because, why not? There's -- it was just a naval base at that time. There was a few civilians who worked for the Navy and then the Navy and a few dependents.

KAREN BREWSTER: Yeah, I didn't realize we continued to have military presence in the Aleutians so late after World War II.

VICTOR CARLSON: We had until about ten years ago at Adak and we had until about twenty years ago at Kodiak, those two military bases and we phased out Kodiak and turned it over to the Coast Guard and Adak was just closed.

KAREN BREWSTER: So what kinds of things was the military doing out there?

VICTOR CARLSON: It was -- it's a major port and --

KAREN BREWSTER: Adak is?

VICTOR CARLSON: Yes, Adak is a major port.

KAREN BREWSTER: Oh!

VICTOR CARLSON: It's a very safe port and so on the great circle route for ships that are going from California to India or wherever, sometimes if they got into trouble, they would stop there. We were also looking for Russian submarines and they called them fishing trollers, but they weren't. They were radio spy ships that the Russians had.

KAREN BREWSTER: Wow.

VICTOR CARLSON: And so we had a fleet of aircraft to look for them and -- but primarily it was a safe place to -- for ships to pull in to.

KAREN BREWSTER: So as a disbursing officer, is that --

VICTOR CARLSON: I was the paymaster. I paid people.

KAREN BREWSTER: Oh, okay, that's -- be an important job.

VICTOR CARLSON: Well, people thought it was and it was an easy job because it was so self-contained. It was --

KAREN BREWSTER: What do you mean?

VICTOR CARLSON: Well you knew exactly what you had to do. You had your records that you had to keep. You had to make sure that you balanced your books every day and all of that and The First National Bank of Anchorage had a branch there so you could get money, so we paid in cash primarily.

KAREN BREWSTER: And then what did people spend their money on?

VICTOR CARLSON: Well, there were clubs to go to, so people could spend money on booze like all Alaskans and a few -- and there was a store, you know, the PX. And a commissary store. So if you had a family living there and they had housing for families, then you went to the commissary store to buy your food.

KAREN BREWSTER: Oh. So how many people did you say were living there?

VICTOR CARLSON: There were about 3,000 on the island.

KAREN BREWSTER: Oh!

VICTOR CARLSON: There were 1,800 Navy, a few Air Force about fifty, about twenty Army, 15 Coast Guardsmen at the Loran Station and, of course, the Marines had a contingent of about one hundred twenty.

KAREN BREWSTER: Wow! That is a whole little city going on down there.

VICTOR CARLSON: It was a whole city, yes.

KAREN BREWSTER: Huh.

VICTOR CARLSON: Did a lot of beachcombing, a lot of hiking. It's a place that's right between the Bering Sea and the North Pacific, so the weather is drastic and but on August 16, 1958 it was clear and it was a Saturday and climbed Mt. Moffett, the highest mountain on the island.

KAREN BREWSTER: Wow!

VICTOR CARLSON: And it was sunny and warm.

KAREN BREWSTER: Yeah, a rare thing down there.

VICTOR CARLSON: It was very rare.

KAREN BREWSTER: Yeah and that was -- you were assigned to go there, is that right?

VICTOR CARLSON: Yes. Uh-huh.

KAREN BREWSTER: And then --

VICTOR CARLSON: Then, I got out of the Navy after two years on active duty. I enjoyed the Navy, but I knew that I wanted to be a lawyer. I decided in the seventh grade and I'd better pursue it. And so I went back and went to the University of Michigan to law school.

KAREN BREWSTER: Take a break for a second. Okay, so we got you through law school. Was there anything particular about law school that stands out?

VICTOR CARLSON: Well, law school was always a narrowing experience. If you have a problem before you go to law school or when you first start, you can think of many ways

to solve that problem. After your first year of law school, you are beginning to think like a lawyer and you are taking a legal approach to solving a problem.

KAREN BREWSTER: Interesting. And was there a particular part of law at that point you started to find particularly interesting and focus in on?

VICTOR CARLSON: Well, I had thought about coming to Alaska from being a freshman in college, so I thought about Alaska for a long time and Adak had nothing to do with my returning. I certainly enjoyed international law and insurance law. I thought that I would work in banking and law. That's what I'd expected to do and I wound up in Alaska.

KAREN BREWSTER: So tell me how you wound up in Alaska. You had an interest early on and where that came from?

VICTOR CARLSON: I -- well as this goes on it probably derives from the fact that I am gay and I was going to leave and go as far away as possible, but I didn't think of that and it didn't -- it just didn't occur to me. But anyway when I was a senior in college -- in law school I applied for -- at The First National Bank of Chicago and there was -- it's a very small law department there and I got a job offer and so I thought I was going to go, but I -- Av Gross, who was an Assistant Attorney General at that time here in Alaska, was just returning from arguing a fish trap case before the US Supreme Court and he is a graduate of the University of Michigan and he stopped to interview at Michigan and a friend and I were the only two interviewees. And I got a job offer from Attorney General Ralph Moody, who was the Attorney General. So I wrote to The First National Bank of Chicago and told them I was going to Alaska and I was wished good luck by the gentleman there and I came to Alaska on February 12, 1962.

KAREN BREWSTER: Uh-huh and what kind of work did you do for Moody?

VICTOR CARLSON: I was a legal assistant. I was advising the Department of Health and Social Services primarily. In those days the Department of Law was very small. There weren't many of us. There was no money in Alaska.

KAREN BREWSTER: Well, the state was very young.

VICTOR CARLSON: It was very young. Uh-huh. Yes and you know just from 1959 -- January 3 until early '62, but I had the opportunity to work with the different divisions in the Department of Health and Social Services among other things.

KAREN BREWSTER: Uh-huh. So tell me what Av Gross or Moody were like as people.

VICTOR CARLSON: Well, Av was --

KAREN BREWSTER: (Inaudible).

VICTOR CARLSON: the fisheries -- advised the Department of Fish and Game and he had a very specialized area that he -- his area of responsibility. Attorney General Moody, Ralph, was on his way to becoming a superior court judge. So he wasn't around very long. I didn't really get to know him. John Havelock was the Deputy Attorney General and I got to know John well and John has had a great impact on my life and, of course, John, you may interview him some time.

KAREN BREWSTER: Perhaps we will. In what way did he have a great impact on your life?

VICTOR CARLSON: Well, he was a very good lawyer. He reviewed my written material which I submitted, I prepared several legal opinions that were issued by the Department of Law, for example on adoption and things like that and I had done the research and they became the advice to the depart -- to my department and the department had to follow the attorney general's advice and John, you know, criticized constructively my writing and helped me to do a better job. That was one of the things and then he supported me when I

decided that I wanted to come to Fairbanks instead of coming to Anchorage. Most people after a year or so in Juneau, came to Anchorage and I wanted to go to Fairbanks, and so I did.

KAREN BREWSTER: And why did you want to go to Fairbanks?

VICTOR CARLSON: So I could do everything because it was better going to a small office where you could do everything than coming to a large office where you would be assigned to misdemeanors in the district attorney's office for a while. Fairbanks I knew I -- well, I knew I'd get to work with Herb Soll, who was the district attorney, he had just replaced Bob Erwin and I knew that I would get to do everything because there were only three of us in the office. So within a couple weeks I was involved in murders as well as simple misdemeanors.

KAREN BREWSTER: This was with the district --

VICTOR CARLSON: Department of Law, which is -- the attorney general hires the district attorneys as well.

KAREN BREWSTER: I see, okay. So you were working for the district attorney in Fairbanks?

VICTOR CARLSON: Right, but I was working for the attorney general --

KAREN BREWSTER: Oh.

VICTOR CARLSON: Who by this time was George Hayes.

KAREN BREWSTER: Uh-huh. So you said you got involved in murders, hopefully not committing the murders.

VICTOR CARLSON: Well I didn't -- no I didn't have time to do that or the -- any reason. No, I was prosecuting.

KAREN BREWSTER: Anyone's in -- any cases in particular in those early years that stand out?

VICTOR CARLSON: Well there was -- one of the cases which I was involved in was a -- happened in Circle City and it was a outsider who came to Circle City and unfortunately got involved in a drinking party and a person died and he was indicted and I prosecuted him. I lost the case. The jury decided that the evidence wasn't there. It was a hard fought case and we went to trial and did our thing. Yeah.

KAREN BREWSTER: And this was what year you were in Fairbanks?

VICTOR CARLSON: I moved to Fairbanks in April of '63 and stayed through July -- middle of July 1965.

KAREN BREWSTER: Uh-huh. What made you go on to do something else?

VICTOR CARLSON: Well, I had a discussion with a friend about law and I knew that I needed to come to Anchorage to complete my legal education. So I came down and was an assistant city attorney.

KAREN BREWSTER: What was that like going from state to city?

VICTOR CARLSON: Criminal law?

KAREN BREWSTER: Criminal law and statewide and to the city?

VICTOR CARLSON: Well, I worked for a very good lawyer Carl Walter and he taught me so much about practicing civil law and within a year I was the first full-time borough attorney here for the Greater Anchorage Area Borough.

KAREN BREWSTER: That's when the city and munci -- they --

VICTOR CARLSON: They weren't merged, yet.

KAREN BREWSTER: Oh no, they were separate, that's right.

VICTOR CARLSON: They were separate. We had the Greater Anchorage Area Borough, which had responsibility for planning and zoning, tax assessing and collecting, education,

health services here and so on. And John Asplund was the borough chairman. It's now called borough mayor and it was a great privilege to work for him and with the other people with the borough and with the borough assembly.

KAREN BREWSTER: What was he like?

VICTOR CARLSON: John Asplund -- when I would talk with him about an issue, he'd say do what is right. It wasn't necessary politic -- it wasn't necessarily politic, it was do what is right and if I could still work for John Asplund. I'd still be working for him. I had a great respect for him and continued to be friends until he died.

KAREN BREWSTER: Uh-huh and then is that when you switched over to working for the newly founded public defender's office or that comes later?

VICTOR CARLSON: Well, in 1969, I -- the public defender agency had been created by an Act of the Legislature and at the Nome Bar Convention in 1969, Tom Fenton and I -- Tom by that time was the district attorney in Fairbanks and we discussed about who should become the public defender. Herb Soll, who was the logical person was in the Peace Corps in Rio de Janeiro and he wasn't going to be back in time to become the public defender. And I applied and luckily won the appointment from Governor Miller and so I started the agency in mid-August 1969.

KAREN BREWSTER: So tell us how you did that. How did you start out? You got it up and running. You basically walk into an empty office building?

VICTOR CARLSON: We -- well first I had to go find the office space and that was above Howard's Gun Shop down on Fifth Avenue. And the legislature had appropriated \$250,000 to fund the public defender agency for the first year. I had to find space that was inexpensive, luckily I'd had Jim Gilmore, who was a young attorney with Hughes, Thorsness apply, Collin Middleton who was a young attorney with Burr, Boney and Pease apply and a couple others. Up in Fairbanks it was Dick Madson and Dave Backstrom -- David Backstrom from Juneau and we were the start of the agency. And John Havelock's wife volunteered as a secretary for the first several weeks and she had a card table that I'd brought from home.

KAREN BREWSTER: And so how did you start getting the case files and the caseload building up?

VICTOR CARLSON: Well, we only represented people charged with felonies and once we started then the courts appointed us as -- for people who were indigent, who couldn't afford to hire their own lawyer. And that -- we immediately had too many cases, of course. Eventually, the public defender agency's jurisdiction included misdemeanors and children's cases and so forth.

KAREN BREWSTER: So what is that like going from prosecuting criminal cases to now defending and defending somebody who's -- who's indigent and that relationship?

VICTOR CARLSON: Well, I think it is good to start out as a prosecutor because your client, if you screw up, doesn't go to prison; whereas if you screw up when you are representing an individual the person may well go to prison. And so I think that it's important to start out as a prosecutor to learn the ropes and the process is a -- is a very interesting process and you're presenting the case to the jury or that's -- that's the final, you know, if you can't negotiate it, you present it to the jury. And so it's very challenging.

KAREN BREWSTER: I would think so.

VICTOR CARLSON: Yeah, and working with clients and working with their families, you know, you learn about something about human nature I hope, something about psychology, but no, it's --it's, I enjoy defense work.

KAREN BREWSTER: And did you enjoy working as a public defender?

VICTOR CARLSON: Very much, yes.

KAREN BREWSTER: And what was -- what did you enjoy most about it?

VICTOR CARLSON: The human contact, yes, the human contact.

KAREN BREWSTER: Has the -- you mentioned that the public defenders changed when it went from felony only to misdemeanor?

VICTOR CARLSON: The full range, yes.

KAREN BREWSTER: Have there other things changed about the public defender agency and the role it plays?

VICTOR CARLSON: I don't think so. The office of public advocacy is now, of course, the conflict attorney for the public defender agency so if the public defender has a conflict, the office of public advocacy either its staff or attorneys that they hire to represent, say if there are three people charged in a case and you can only represent one of them, of course. Or if you've had a conflict from a previous incident where this person was a witness or something.

So, no, but I think it is all the same. I worked as an assistant public defender as recently as 1998 in Kotzebue.

KAREN BREWSTER: Uh-huh. What did indigent people do before there was a public defender agency?

VICTOR CARLSON: This -- the court appointed a private attorney and a private attorney was paid very little for this work. Most lawyers worked very hard on these appointments and it nearly bankrupted some lawyers who were given these appointments. I can think of one case in particular where it nearly bankrupted the person. That was a very sad situation. Sometimes people probably didn't work as hard as they might have on the case because it just costs too much. You know, they couldn't afford to do the investigation. But I remember Chuck Clasby who was a prominent lawyer in Fairbanks who I was -- when I was a prosecutor there and he was appointed, after just a few days he knew everything about the case. He had worked so hard on it and had it all down. He knew more about it than I did and in those days there was no discovery of what the district attorney had.

KAREN BREWSTER: How did -- I am not a lawyer, so I have to turn to you two, but isn't discovery a requirement --

VICTOR CARLSON: It is --

KAREN BREWSTER: Now?

VICTOR CARLSON: Now. It is now.

KAREN BREWSTER: In legal procedures?

VICTOR CARLSON: It is now, yes, I was the reporter and Av Gross was the chairman of the criminal rules committee which the supreme court appointed and then they adopted these rules and discovery was mandated.

KAREN BREWSTER: And maybe you need to explain what discovery is?

VICTOR CARLSON: Well discovery is what the police reports are -- have to be turned over to the defense.

KAREN BREWSTER: So both sides need to know all the information, something like that?

VICTOR CARLSON: Well, the defense is entitled to know all the information that the prosecution has. The prosecution's job is to do justice not to get a conviction. The defense has -- doesn't have to afford discovery unless they are going to raise the defense of insanity or something like that. And call an expert and then you have to disclose that to the prosecutor so that they can interview the expert and prepare to cross-examine and so forth. But it is a completely different role what the defense has from what the prosecution has.

KAREN BREWSTER: Yeah and as I say it sounds to me somewhat obvious that you should have discovery, that --

VICTOR CARLSON: Well yes, but there are states where it still doesn't exist.

KAREN BREWSTER: Oh, really.

VICTOR CARLSON: Uh-huh.

KAREN BREWSTER: Oh, interesting. So do you remember some of those early cases that you worked on in the public defender's office?

VICTOR CARLSON: Well, I was -- I represented Cloyd Alvarado. Cloyd Alvarado was charged with a felony from out at the end of the Alaska Peninsula, a village. He was a -- comes in -- into Anchorage from this remote place, and it's a jury trial and I object to the jury vaniery (phonetic) saying it should be drawn from a wide enough area that includes his village. And I sort of mumble my objection and this case was tried to a jury before Judge Moody. And it's no secret that Judge Moody mumbled, too. Judge Moody was a southerner and he -- he was colorful in the way he spoke with a southern accent. And that case was then taken on appeal because I lost and it was taken on appeal by Chris Cook and Chris got -- argued to the Alaska Supreme Court that my objection was -- should be well taken and that was won. The Alvarado decision doesn't have the application that it did immediately after it was handed down. We still restrict jury selection to a very small area.

KAREN BREWSTER: So the supreme court overturned his conviction?

VICTOR CARLSON: Yes.

KAREN BREWSTER: Based on your point of, he should have had a broader jury?

VICTOR CARLSON: That is right. It wasn't representational.

KAREN BREWSTER: And that still is a --

VICTOR CARLSON: Well it's still the law.

KAREN BREWSTER: Uh-huh.

VICTOR CARLSON: But it is not being applied in the wide way that it was first established by the Alaska Supreme Court.

KAREN BREWSTER: So what --

VICTOR CARLSON: It's been reduced and now you only draw juries from 20 miles, if your jury trial is in Dillingham, for example, 20 miles of Dillingham or if it is in Nome or Kotzebue or Bethel or what have you.

KAREN BREWSTER: But at that time they didn't have -- did they have courts out in all those places --

VICTOR CARLSON: No.

KAREN BREWSTER: Or they had to come to Anchorage?

VICTOR CARLSON: Well, they had trials in places like Bethel and Nome, of course. Didn't have generally it was very difficult to ever get a jury trial in Dillingham and -- or Kotzebue or Barrow. There were some.

KAREN BREWSTER: Interesting and so what does that feel like to have been the first public defender and gotten --

VICTOR CARLSON: Oh, it was a great privilege. It was a great privilege to be able to establish the procedures and I had wonderful help. Roberta Johnson, who had been the administrative assistant in the Department of Law and the Attorney General's Office, was by that time the deputy clerk of court in Juneau and when I became public defender, she volunteered to come to work for the public defender agency to help establish the procedures and she's the one who established the basic procedures with the other elements of state government. Our regulation she established.

KAREN BREWSTER: I think it must -- would be kind of exciting to have been in at the beginning of something like that.

VICTOR CARLSON: Well, it was. It was very exciting. Uh-huh. But to have this help, you know, to have the help of capable young lawyers like Jim Gilmore and Collin Middleton and to have the help of Roberta Johnson, who had years of experience presenting budgets and so forth, was so valuable.

KAREN BREWSTER: And then how long did you act in that role?

VICTOR CARLSON: I was only there from August of 1969 until December 1, of 1970. Governor Miller appointed me as a judge of the superior court for the seat in Sitka, the day after he had lost the election to Governor Egan when Governor Egan was -- won the election to serve his third term as governor.

KAREN BREWSTER: And what -- for that superior court appointment had you put your name in?

VICTOR CARLSON: Yes. Uh-huh.

KAREN BREWSTER: Why did you de -- why did you want to become a judge? Your basic question.

VICTOR CARLSON: Well, I think that it's a privilege to be a judge. I thought that it was a challenge. I hadn't practiced law all that many years, but I'd practiced -- I'd been admitted in 1963. I had to be here more than a year before I could take the bar exam, it was only given once per year at that time. And I looked around to see who the competition was and who I might be practicing before if I didn't put my name in. So I decided to put my name in and I luckily was appointed.

KAREN BREWSTER: Is the judgeship viewed as sort of the career ladder move within the legal community?

VICTOR CARLSON: Yes, by most of us. Some lawyers don't -- don't want to be judges. Their -- their personalities are such that they would much rather be advocates and it's a big adjustment to change from being an advocate to being a judge.

KAREN BREWSTER: You know, so what do you think characteristics make for a good judge?

VICTOR CARLSON: Patience we would hope. Enjoying people. Being willing to gett into peoples' lives because judges certainly get to gett into their lives, especially if you are hearing divorce and child custody cases. But patience is the primary thing, I think.

KAREN BREWSTER: And is that something you feel you had and so made you an affective judge?

VICTOR CARLSON: Well, I worked on it. I don't know that my critics would think I had patience, but I worked on it.

KAREN BREWSTER: Uh-huh. And that so you were superior court judge in Sitka?

VICTOR CARLSON: I was -- right in the First Judicial District. The work was really in Juneau. There was very little work in Sitka. Before the Coast Guard Air Station moved from Annette Island to Sitka, Sitka's economy was very staid. The pulp mill was there, but there was no construction activity to speak of, no commercial activity that gave rise to lawsuits. The court work in Sitka was minimal. Most of the work was in Juneau and I spent most of my time in Juneau and some around the state, filling in.

KAREN BREWSTER: Uh-huh. Okay. I meant to go back. You talked about the transition from being an advocate to then being a judge and reviewing cases. How did that transition work for you?

VICTOR CARLSON: Well, I missed being an advocate for a long time and you have to grab a hold of yourself and, you know, fill the role of being a judge.

KAREN BREWSTER: And that's something you were able to do?

VICTOR CARLSON: I think so. Uh-huh.

KAREN BREWSTER: Okay. So you were superior court judge in Sitka for how long?

VICTOR CARLSON: Five years and then Governor Hammond appointed me, I applied for a vacancy here on the Third Judicial District bench in Anchorage. And I was nominated and Governor Hammond appointed me. I looked around being in Juneau and Sitka and knowing that I am gay. I knew that Anchorage was a better place for me to live and there was more opportunity for socialization here in Anchorage.

KAREN BREWSTER: And so that in the seventy --

VICTOR CARLSON: Seventy-five, late '75 I came back to Anchorage and have been here ever since, except for a year in Bethel and two years in Kotzebue.

KAREN BREWSTER: And you were -- ended up becoming a head of the family court, did you not?

VICTOR CARLSON: Well, yes, I did. Not being married, not having had those, my -- well, for some of my colleagues it was very difficult for them to hear these divorce cases. It wasn't easy for me to hear them, but I didn't have the same emotional investment in them that maybe some other people did and so I could -- I didn't bring it home with me. They're difficult cases.

KAREN BREWSTER: I can imagine the child custody ones.

VICTOR CARLSON: Uh-huh.

KAREN BREWSTER: As well.

VICTOR CARLSON: Yes.

KAREN BREWSTER: Very difficult. How did you manage with that kind of stress?

VICTOR CARLSON: Well, you try to see which parent, and hopefully both parents, are interested in the best interest of the child and which will help the child to have a relationship with the absent parent. And so I applied those principles in my work and, you know, you listen and hope that you've heard correctly.

KAREN BREWSTER: Well, as you say I can see it's a type of cases that not every judge's personality would go with.

VICTOR CARLSON: That's true and especially if, you know, what it might dredge up from within yourself.

KAREN BREWSTER: Yeah, I would think being a judge of any type would be difficult and stressful and how do you leave it at the office?

VICTOR CARLSON: Well --

KAREN BREWSTER: Deal with those stresses?

VICTOR CARLSON: You -- you develop, you know, exercise, walking home. I live close enough to the courthouse that I could walk or bicycle home even for lunch. And that helped. And then having a -- eventually having a very good home life helped, too.

KAREN BREWSTER: Okay, I'm just -- so, yeah I mean, go over that, there again you used to do criminal prosecution and now doing family --

VICTOR CARLSON: And I also did -- I sat on a lot of criminal cases, too. I sat on a criminal case where the man Meach killed the four kids in Russian Jack Springs Park in the early 80's and I sat on that case and that's --

KAREN BREWSTER: Is he the man who had been a patient at API?

VICTOR CARLSON: Yes. Uh-huh.

KAREN BREWSTER: That was a very public case?

VICTOR CARLSON: Very public, yes. And I wrote my nine reasons why I'm glad that we do not have capital punishment in Alaska even though there was no question that he had done the crime and killed these four young people and all of that, but still capital punishment, in my view, is wrong.

KAREN BREWSTER: I don't know about in Anchorage, but I can imagine in small communities being a judge making decisions on such public cases as that one, your decision may or may not be very popular?

VICTOR CARLSON: Well, in Anchorage, of course, you have some insulation from -- I mean you have your circle of friends. I had my circle of friends before I became a judge. And I continue to have that circle of friends. I hope they've increased. And in a smaller community you have to be -- your circle of friends is probably smaller than it would be in a bigger community simply because you probably can't socialize with people who are likely to appear in court, you probably can't socialize as much, although my view is you can socialize with the lawyers. You don't talk about cases with them, but I see no reason not to be sociable with lawyers in the community, but some people decide that they should not be, that they're better off keeping their circle of friends smaller. That would be very difficult for me.

KAREN BREWSTER: Another thing how you live with those pressures like that Russian Jack case where you made a decision --

VICTOR CARLSON: Well see --

KAREN BREWSTER: That may or may not have been popular?

VICTOR CARLSON: That's not -- this's not a difficult case. I followed the law. We don't have capital punishment in Alaska, so he merited every one of the 99 year sentences that he received. Now, there was nothing difficult about the Meach case. The difficult cases are where somebody commits a crime, a very serious crime and when you listen to the sentencing arguments and read the presentence report, you think to yourself, if I sentence him as harshly -- well, it's that case of very serious crime is committed, there's a victim who was badly hurt in one way or another and you look at the presentence report and the impact that sending somebody to prison for 15 years or maybe 25 years would have and you look to see, do you think that he'll ever do this again and so forth and you give him essentially a suspended sentence, as I did in a case down in Petersburg. Now I don't know if I was right or not. I did it. At that time the legislature didn't mandate that there was a specific sentence that had to be given. Thank goodness. To the best of my knowledge he's never acted out again. He has been able to contribute to the welfare of his family and so forth. I think that I made the right decision, but that was a difficult decision

and there were a substantial number of people who were naturally upset by it. And I can understand why they were upset, but in my view the law is -- has to be tempered and if I have a good reason to temper it, it's -- it's examining myself and having a good reason not just on a whim.

KAREN BREWSTER: I'm going a little off on the side because you talk about mandatory sentencing.

VICTOR CARLSON: Yes.

KAREN BREWSTER: Maybe you could talk a little bit about -- it sounds like you have some particular thoughts one way or the other about whether that is a good idea or not a good idea.

VICTOR CARLSON: I don't think it is a good idea. I think that judges have the capacity to sift and the competing interest and to arrive at a just sentence. And that saying that every drug offender or every person charged with sexual abuse of a minor, and that's a wide range of things which can occur, deserves if you've had previous felonies 25 years in prison and so forth I think is wrong.

KAREN BREWSTER: I didn't realize until working on this project and speaking with people like you that there is such a thing as mandatory sentence. I, who has no experience, assumed the judge determines the sentence. I didn't know you were restricted in those ways.

VICTOR CARLSON: Many -- many cases you are restricted.

KAREN BREWSTER: Is that unique to Alaska?

VICTOR CARLSON: No, no, it is not unique to Alaska. It was relatively long in coming to Alaska, but it is certainly here now and, of course, it's been in the federal system too and the cocaine cases, you know, where blacks primarily get arrested for one type of use of cocaine and people that look like me get arrested for a different type of use of cocaine and they had a mandatory sentence of twice as much for what I consider a really a lesser crime. Now that's changing to some extent.

KAREN BREWSTER: What do you -- what was one of the biggest challenges in your years in the superior court?

VICTOR CARLSON: Well, to make sure that I was doing the best job possible, you know, because one -- you know, it has such impact on people when you sentence them or you put a child with one parent instead of another parent. That's a heavy burden.

KAREN BREWSTER: What would something you'd consider the best part or your favorite part about that -- the work you did?

VICTOR CARLSON: Well, when I was able to act in place of the federal district court in citizenship cases, you know, when people are sworn in to be citizens and I got to do that a couple times. You know, that's great work where you're -- when you're welcoming people to be United States citizens. It was, you know, it's a privilege to help people to -- I hope in divorce cases, some people, you know, coming into court it is very difficult, of course. It's a formal place. Helping to put them at ease. Helping to put lawyers at ease. I remember one specific case where a lawyer lost his temper and how I was able to say, after I reflected on it for a couple hours, that's behind us. We won't think about that any more and, you know, he was thankful. His boss was very thankful and I was thankful that I could do it and, you know, each of us learned something from that experience.

KAREN BREWSTER: Now as you say, it sounds like it's a lot of people management?

VICTOR CARLSON: It is interacting with people, yes. Not necessarily management, but interacting with them and helping, you know, so many people helped me to do well. And if you met Sadie Neakok in Barrow, she's one of those who helped me to do well, just as Nora Guinn down in Bethel did.

KAREN BREWSTER: You're answering my next question, so which was the people who have mentored or influenced you along the way?

VICTOR CARLSON: Well, Tom Stewart, who was a judge in Juneau, of course, whom I miss deeply. Jay Rabinowitz, who was a judge on the superior court when I first went to Fairbanks and I tried cases before and we became friends immediately because he was a good friend of Herb Soll's and I still know his widow Ann and we are good friends and it was such a privilege to know these people. I'd like to tell you a little story about Nora Guinn. Joe Peet was -- Nora was a magistrate and then a district court judge --

KAREN BREWSTER: In Bethel.

VICTOR CARLSON: -- in Bethel, and Joe Pete was a man about six feet four inches tall and big. And he sometimes would get drunk or he'd import liquor or what have you and at this time the court in Bethel was in an old Quonset hut and Nora was sitting down at her desk and she was just a little lady. And Joe Pete had been sentenced and she'd given him a suspended sentence and now he was in and the sentence was going -- the suspended sentence was going to be imposed and he was standing over her and sort of threatening her and she looked up at him and said you made me a promise and I made you a promise and I keep my promises. That's, you know.

KAREN BREWSTER: Yeah.

VICTOR CARLSON: Guts, guts.

KAREN BREWSTER: Yeah and what was his response?

VICTOR CARLSON: People don't assault judges. He didn't hit her. He was not going to hit her. He knew better and -- and that's something that both when I was prosecuting and when I was judging and criminal cases, the people I prosecuted and the people I judged did not hate me. I mean they disliked what I was doing. They had every reason to dislike it, but they didn't hate me. The people whom you have to be concerned about our domestic relations cases. And that brings up -- I was involved in a domestic relations case where this man had married this lady thinking he was going to get a slave and then they got divorced and I divided the property, I thought evenly and justly. The supreme court gave him back some of the property I'd given to her, but nevertheless he was upset by that and he had a tenant and he'd found out that this tenant -- that I had sentenced this tenant to a couple years in jail and so he went to his tenant and he said I want to have Judge Carlson killed. I'll give you so much money to have him killed. The tenant immediately went to the police and said that this offer had been made to him. He didn't want to kill me. He didn't hate me, you know. He'd done the crime. He'd now done the time and he was moving on with his life, but he saw the problem and he went to the police and the police came to me and I moved to the basement and put pillows in my bed for a few days and I gave them my wallet because he had to prove to this man that he killed me and, you know, he gave me -- the wallet and so on was given -- and the man was eventually convicted of soliciting murder.

KAREN BREWSTER: That's pretty scary.

VICTOR CARLSON: It was. Yes. Uh-huh. Yeah.

End of Tape 1