

INTERVIEW OF VICTOR CARLSON

CONDUCTED BY KAREN BREWSTER
AND MIKE SFRAGA

JANUARY 24, 2012

TAPE 2 - ORAL HISTORY

KAREN BREWSTER: I want to go back a little bit to the mentors we were talking about.

VICTOR CARLSON: Yes.

KAREN BREWSTER: You sort of listed them, but now -- wait I have to stop it. We'll start over again on that question which was you talked about your mentors.

VICTOR CARLSON: Well, --

KAREN BREWSTER: I want to know a little bit more how they inspired you. You mentioned Sadie, Nora. What did you learn from them?

VICTOR CARLSON: Well, to be strong from both Sadie and Nora. From Maurice Kelliher, who was a magistrate and district judge then in Nome. I was a prosecutor back -- I would go over to Nome after Virgil Vohaska had left Nome as a district attorney and I would go over from Fairbanks sometimes to prosecute in the mid -- early 60's and one day I was in Maurice's chambers and there were this older gentleman and his son. They had lived in Nome 10 years and Judge Kelliher introduced us and then after these two gentlemen had left, he said it took them 10 years to adjust to living in Nome after they came in from the village. Now this was something that I didn't have any comprehension about how it would be such a big adjustment to move from the village to living in Nome, but, of course, Nome was a busy place with automobiles and so on and these people took that long. They were now successful. That's something that I needed to learn and Maurice knew I needed to learn it and he told me and then we didn't talk about it any more. But I've, of course, seen it people coming into Bethel, people coming here into Anchorage. We see it over and over and, you know, it's a bigger adjustment then for me to move from rural Michigan to a city.

KAREN BREWSTER: Right. And so that affected how you --

VICTOR CARLSON: How I appreciate it. It gave me insight.

KAREN BREWSTER: Uh-huh.

VICTOR CARLSON: Whether I learned the lesson very well or not.

KAREN BREWSTER: And some of the other judges or lawyers and things you worked with along the way. You mentioned a couple of those.

VICTOR CARLSON: Well, Tom Stewart specifically and Jay Rabinowitz and watching them work and observing how deliberate they were and deliberative they were. And then it occurs to me that there were non-lawyers who were very helpful. Vern Metcalf was a journalist in Juneau and he would come in just to shoot the breeze. And then James Doogan up in Fairbanks worked for the Department of Labor, Mike Doogan's father. And he would come in just to shoot the breeze and why they made this investment in me to spend time talking about things which they thought I needed to know. They weren't gossiping. They were instructing and they were good -- I hope good instructors. I certainly valued their time and their lessons.

KAREN BREWSTER: Well, I think for all of us who have moved to Alaska, many of us came when we were young, and have benefited from people who were here before us to show us the ropes and teach us what it means --

VICTOR CARLSON: Exactly.

KAREN BREWSTER: To be an Alaskan.

VICTOR CARLSON: Exactly, yes and I was so glad that they were willing to do it and I'm sure that I should have spent more time with them and with others too who were willing.

KAREN BREWSTER: Do you remember your first case that -- once you were appointed as a judge, the first case you heard or one of the first ones?

VICTOR CARLSON: Yes. There was, and it will be on the ballot again this year, shall there be a constitutional convention. And the -- that's what the wording is in the constitution and it has to be put on the ballot every ten years. Well, on the ballot in 1970, the wording was shall there be a constitutional convention as required by the constitution, yes or no. And it passed and a lawsuit was brought saying that the wording was incorrect and that was one of the first cases that I had and I ruled that it was the people who brought the lawsuit were right that it was an incorrect wording because it was as required by the constitution is not part of the wording and it went to the Alaska Supreme Court and was upheld.

KAREN BREWSTER: And that was when you were superior court judge?

VICTOR CARLSON: In Sitka.

KAREN BREWSTER: In Sitka.

VICTOR CARLSON: But I was sitting in Juneau.

KAREN BREWSTER: Right. So what does that feel like either on the attorney side or the judge side to have something you've worked on be appealed and perhaps overturned?

VICTOR CARLSON: Well, as a judge you don't think about it because you must not think about it, you know. Their job -- the supreme court justices' job or now both the supreme court justices and the court of appeals judges' job is to see if the trial court was correct or not and that's part of our system is you have the right to an appeal and I am so thankful that we do. And, of course, very few cases percentage-wise are appealed. Trial judges have much discretion and it's not challenged and that is why it's so important to try to be right because most people can't afford to appeal. Most things won't get appealed.

KAREN BREWSTER: You don't get your feelings hurt when something goes to appeal?

VICTOR CARLSON: No, not -- not in that way. If I have made a fool of myself in my decision, you know, whenever it's pointed out that I have made a fool of myself, it hurts my feelings. But this is me hurting my own feelings, it's not the court hurting my feelings, you know. If when I do something stupid, I don't like it. And it's important, you know, my brother points out to me when I do something stupid. Jerry points out to me when I do something stupid. I need that. You know, my parents used to do that.

KAREN BREWSTER: Maybe we all need a little bit of that.

VICTOR CARLSON: Each of us -- each of us need it, yes. Uh-huh. And that's a role that judges play so much is when people are out of control and they're brought to court. And they don't understand that they're out of control. One of the examples of that was a man out here north of town, he was so upset by people who were hiking across his land, he lost his temper and he shot the young man. This was on a trail no less. It was not a trespass. There was no harm being done. He shot and killed the young man from Juneau, happened to be here in town, this young man was a college student. I sentenced him to a significant amount of time because he didn't seem to understand that he was out of control. The jury

was convinced that he was out of control and that he'd done this manslaughter, char -- crime because he confronted this young man with a gun and held the gun on him and the gun went off and killed him. The jury was in part convinced of that because he'd pulled a gun on a soldier and his son, who were standing on the road just looking at the sunset before this happened. After I sentenced him and after he had been serving his time, he wrote to me and thanked me for bring -- you know, grabbing a hold of him and saying fly right, you know. Straighten up and fly right.

That's the first -- the only time that that's ever happened, but I have had other people say to me that they needed it. And they served their time and it helped them to fly right. Sometimes we get out of control.

KAREN BREWSTER: That's a nice counter to the man who wanted to murder you?

VICTOR CARLSON: Yes. Uh-huh. Yeah.

KAREN BREWSTER: It works both ways. In the kind of role you play with the cases you've tried.

VICTOR CARLSON: Well. I think that is what judges do. You know, we -- we're a visible sign of community standards.

KAREN BREWSTER: That also can be a large responsibility and burden I would think.

VICTOR CARLSON: Well, it's a big responsibility and we hope that we're trained and that there's a structure around us to support it. I mean, I think that our supreme court helps to provide that structure. I think that Justice Carpeneti and his colleagues do it very well, and I'm fortunately friends with these people and have known them and the Carpeneti's wanted to buy my house in Juneau and did. They said if you ever sell, let us know.

KAREN BREWSTER: Now that does lead into some of my question about collegiality, that being a judge can be, as you mentioned, it can be socially isolating because of the types of things you have to deal with and you can't necessarily just go talk to people --

VICTOR CARLSON: Exactly.

KAREN BREWSTER: About it. So do you become friends with other judges and the lawyers or --

VICTOR CARLSON: Well, you become -- certainly you try to be friends with the other judges. You probably aren't social friends necessarily with them unless you were before you went on the bench because you have your social friends before you go on the bench, but Judge Hunt -- Karen Hunt was one of my best mentors. She's a very good teacher and she was so patient with me when I couldn't understand something -- a legal concept. We were both superior court judges. I'd been a judge longer than she at that time, but it was -- I was so dense. And she would explain it to me and then if I didn't understand it, I could go to her again and ask her to explain it. Or I would go down and see Judge Ripley and talk to him. He didn't make the decision for me, but he -- I could bounce things off from him and other judges, as well. And that's what is so valuable is when you are on a bench where there are other judges immediately available or the telephone. You know, you can call them up and talk to them about it.

KAREN BREWSTER: How does it work between the -- I would say levels of judges?

VICTOR CARLSON: Well, you don't talk to a judge on a higher level because the case may, you know, if the case would ever get to that judge and you never -- you don't talk to anybody who you would make it so they couldn't judge the case so they'd have to disqualify themselves.

KAREN BREWSTER: But you might become would -- you said Justice Carpeneti you became friends with separate from --

VICTOR CARLSON: Well, because when he was a law clerk to Justice Dimond, we became friends.

KAREN BREWSTER: Okay. Because I was going to say how do you become friends with the other judges and the lawyers or the administrative staff in the court system?

VICTOR CARLSON: Well, by, you know, treating them well and depends on what you've been through and so on. I mean, I just received a telephone call from a lady who used to work for the court system and she was one of these ladies who dressed so well. I'm sure she still does, but she lives in Florida now, but she just had pazzo. And you know I didn't flirt with her, but I liked to say good morning to her and so one and so, you know, and we're friends now. She called me for Christmas, yeah.

KAREN BREWSTER: Yeah, I would say it's a different kind of workplace. As you say the lawyers you might not be able to interact with and with the different judges. It's different sort of workplace than a normal office socializing environment is what I am wondering or is it the same?

VICTOR CARLSON: Well, I think that the normal office environment should be much like the court system is where there's some division, you know. Judges are special, so there is a division just --

KAREN BREWSTER: Right.

VICTOR CARLSON: Starts out to be, but that doesn't mean that you can't be cordial and cordiality is very important, but closer than cordiality I think is inappropriate for the office or there are things that you should socialize outside your work environment for.

KAREN BREWSTER: Okay. I want to move on a little bit. You brought it up earlier and I want to talk to you a little bit about it, about your experiences as a gay man serving as a judge.

VICTOR CARLSON: Well, --

KAREN BREWSTER: And what that was like?

VICTOR CARLSON: I don't know if you know of Wild Bill Nelson.

KAREN BREWSTER: No.

VICTOR CARLSON: And his recreational vehicle that had signs about faggot judge and so on. Well, you need to talk to somebody and look in the newspapers here because his van was often on the streets of Anchorage and he was driving around and making lots of sounds about this and so it was a well known -- in the newspaper Wild Bill Nelson, what have you. And you just have, you know, it's not a sin and by the time that I came out it wasn't a crime to -- sex between men -- between same sex couples was not a crime, so.

KAREN BREWSTER: But you served for quite a while before you publicly came out, is that correct?

VICTOR CARLSON: I did, yes. I didn't publicly come out until the AIDS epidemic and I became very involved in the Alaskan AIDS Assistance Association in the mid-80's and that's what helped me and helped me a lot. It was good for me to come out. Yes.

KAREN BREWSTER: And do you feel that you've had any discrimination or homophobia within the courtroom or the workplace?

VICTOR CARLSON: Not within the workplace. I've had people tell me, not lawyers because they know better, well, I don't have to follow your direction, judge, because you are a faggot and I looked and I had the gavel. I was the judge. I was dressed in the robe. What are these people doing, you know? What -- if I only had one arm, would they say

something like that? If I was of a different race, would they say something like that? If I couldn't talk because of some disability, would they say something like that? There's something wrong with somebody who -- who says something like that. I mean I think there's something wrong. They are just not being realistic.

KAREN BREWSTER: So how did you handle that?

VICTOR CARLSON: I just sort of look at them peculiarly and go on with life. Yeah.

KAREN BREWSTER: Do you think being gay -- how did that affect the work that you did and in the decisions you made?

VICTOR CARLSON: I don't think it affected it at all. No, I don't think that it has anything to do with anything.

KAREN BREWSTER: Did you run into people who felt otherwise?

VICTOR CARLSON: Oh, yes, certainly. Yeah. And I ran into people like Ed Boyko who wrote about it in his Snow Tiger column. You know, it was in the --

KAREN BREWSTER: What was that?

VICTOR CARLSON: This Ed Boyko was a prominent lawyer here in town, had been the attorney general and he wrote about referring to me as the faggot judge and that's why I retired after 20 years because I didn't want to put myself and my friends through a retention election in 1990 that was going to be all around the issue of me being gay.

KAREN BREWSTER: Was there -- wasn't there a case preceding that the Feichtinger case, is that --

VICTOR CARLSON: Yes, the Feichtinger case and the jury acquitted Frank Feichtinger(phonetic). Frank Feichtinger, of course, had the young man change his underwear for an oral tape recording.

KAREN BREWSTER: You need to explain a little bit more about that case.

VICTOR CARLSON: Well, I suggest you read it. Frank Feichtinger thought that he should get me.

KAREN BREWSTER: Yes and I know he was a police officer --

VICTOR CARLSON: With the City of Anchorage, yes.

KAREN BREWSTER: Right and he was accused of -- he claimed he did a sting operation against you? Something to that affect, correct?

VICTOR CARLSON: That -- he was trying to and the people he questioned had had no contact with me.

KAREN BREWSTER: Right.

VICTOR CARLSON: Whatsoever.

KAREN BREWSTER: Right.

VICTOR CARLSON: And said that they hadn't.

KAREN BREWSTER: And so the -- he was found guilty or --

VICTOR CARLSON: No, he was found not guilty. He was acquitted.

KAREN BREWSTER: How -- oh, okay. And did that --

VICTOR CARLSON: Well, that certainly -- that certainly went into my decision about what would the electorate do.

KAREN BREWSTER: Uh-huh. It must be difficult.

VICTOR CARLSON: It was very difficult. It made me very angry, still does.

KAREN BREWSTER: Uh-huh. And I think it'd also be very difficult to sit on the bench and have somebody make derogatory comments about you and read it in the newspaper and --

VICTOR CARLSON: It is. Uh-huh. But that sort of went with the territory, but yeah. But to be, you know, attempting to -- somebody to set you up is a whole different thing.

KAREN BREWSTER: Was it ever determined why he chose to set you up?

VICTOR CARLSON: I spent no time thinking about that.

KAREN BREWSTER: Okay.

VICTOR CARLSON: And I will spend no time thinking about it.

KAREN BREWSTER: Okay. So you chose to retire and then you went on to do other things.

VICTOR CARLSON: Well, I was going to teach at the university. I like teaching. I had taught when I was in Fairbanks in the district attorney's office as an adjunct professor. I was going to be an adjunct professor here, again and I found that the students weren't willing to study. I was -- it wasn't fun, you know. As -- an adjunct receives very little pay and has to do as much work as anybody else to prepare for the classes and if you don't get stimulation from the process and your students, I didn't have to do that, so I didn't. I should've immediately gone out and gotten a job, but within mid-1995, John Salemi, who was a public defender at that time called me up and said I'd like you to go to Bethel as the public defender, one of the three assistants out there and I did. And it was very good for me, very good for my mental health.

KAREN BREWSTER: So were still quite young at this point?

VICTOR CARLSON: Well, in 1995 I was 60 --

KAREN BREWSTER: Right.

VICTOR CARLSON: Years old.

KAREN BREWSTER: Right, so it's very young to retire as a judge?

VICTOR CARLSON: Yes, very young. Uh-huh. Too young to retire.

KAREN BREWSTER: Right.

VICTOR CARLSON: Yes. Uh-huh. And so I served a year and then I went to Kotzebue for two years and by that time Barbara Brink was the public defender and both of those people were great people to work for. I couldn't say enough about the support that Barbara gave me and the people with whom I worked for, you know. We -- as employees we always have situations as overworked employees we always have situations and Bethel certainly was an overworked situation. I got great support.

KAREN BREWSTER: Can you talk a little bit about working in rural Alaska and the cultural differences and how you deal with those? The justice system is not necessarily something familiar to the Native community.

VICTOR CARLSON: Well, unfortunately it's become very familiar because there are too many abuse and drunk caused crimes and there are -- not that there are necessarily sufficient police officers but there are many police officers and these people get arrested and I spent many evenings at the Kuskokwim -- Yukon-Kuskokwim, jail interviewing my clients trying to get ready for their cases and trying to negotiate their cases with the district attorney or going to trial and went to trial numerous times and unfortunately the juries had sat on too many cases and sometimes they wouldn't even look at me when I was making my argument and that's, you know, very disappointing when they're not at least paying attention to what you're saying. They don't have -- they can discount it, but they, you know, but they were overworked jurors. They'd been there too many times.

KAREN BREWSTER: I was wondering if they weren't looking at you -- the cultural differences of making eye contact. That's not what you mean though?

VICTOR CARLSON: These are Caucasian people sitting on the jury. No, that's not what I mean. No. One of the fun things was working with the grandmothers. Many times these men whom I was representing -- kids whom I was representing, 18, 20 year olds, they'd been raised by their grandmothers. And sometimes I would say to the grandmother or the mother don't you want to have good grandchildren or the grandmother, good great-grandchildren, you know. You need to discipline this boy and sometimes, you know, we were speaking the same language and sometimes it had to be interpreted, but in general it was fun to meet these people and to go to their homes out in the village and interview and so on. That was one of the fun things.

KAREN BREWSTER: As you say, Alaska Natives now to be over-represented.

VICTOR CARLSON: They are vastly over-represented in the criminal justice system, yes.

KAREN BREWSTER: And so how do you assess our justice system --

VICTOR CARLSON: Well, I think --

KAREN BREWSTER: In terms of how it's working with rural Alaska in the Native communities?

VICTOR CARLSON: Well, I think our justice system and the way it's working with all people who are poor is -- it has -- the impact is so much greater on poor people and we have more poor people over-represented in our prisons and before the courts. And it's something we -- we as Americans must address. I mean, if you look at black young men in this country, it's just terrible what has happened and it will cycle down through the next generations. What has happened with our Alaska Native men, as well, and at Elise Patkotak is a prime person to read her columns about the problem. And I like Elise very much and respect her.

KAREN BREWSTER: I was going to say -- let's go -- step back a little bit to -- you certainly had critics --

VICTOR CARLSON: I do, yes. Uh-huh.

KAREN BREWSTER: During your tenure as a judge and there were quite a number of controversial controversies, you know, the one I'm thinking -- the Feichtinger case and there were the Coghill's Review Board and people maybe thought you were too lenient and how do you respond to those critics?

VICTOR CARLSON: I did my best. I know I've made mistakes. I'm not perfect. I'm human and I'm sure sometimes I was too onerous in my sentences, as well.

KAREN BREWSTER: What -- what would have inspired the more onerous one versus a more lenient -- depends on the case I suppose?

VICTOR CARLSON: It completely depends upon the case, you know. I may well have misread the defendant and his acceptance of responsibility and acceptance for how he was going - - taking responsibility for his actions in the future.

KAREN BREWSTER: And how do you live with those decisions you may or may not have made?

VICTOR CARLSON: We have to accept ourselves as being human and if I start dwelling upon it, I have to go back and say I'm only human. And that's partly what becoming mature is, is accepting one's self as a human being.

KAREN BREWSTER: Did you feel like some of those attacks and criticisms were directed at you more personally because you were gay?

VICTOR CARLSON: I didn't - I did not, no. I think I knew those that were directed at me because I was gay and I think I knew what the reasons for the others were and I don't think -- well, I didn't think that they were mixed together.

KAREN BREWSTER: You said you've been very active in the AIDS community. Do you see yourself as a role model for young men?

VICTOR CARLSON: I've been told that I am. I am active in the gay community with Identity.

KAREN BREWSTER: What's Identity?

VICTOR CARLSON: It's the umbrella organization that puts on the Pride Parade and has a help line in the gay/lesbian community center down here on Fifth Avenue and does some other things and I've been told that I'm a role model and I try to behave responsibly.

KAREN BREWSTER: What does that feel like to be told you are a role model?

VICTOR CARLSON: Well, it's compliment and one takes it as a compliment and then goes on and lives their life and tries hard to do a good job of living it.

KAREN BREWSTER: Right. I would think that a successful professional gay man for many young gay men, that would be a very important role model for the ones who were struggling with their identities?

VICTOR CARLSON: It probably is and I'm very concerned about suicide. I'm very concerned about suicide not just among young gays, but I'm concerned about suicide among Native Americans, all people and I work on that as well. And I worked on it with my clients when I was a public defender. I'd bring it up. Are you thinking of doing something stupid? They always knew what I meant. One man had his wife leave my office and he -- and then we talked about it and I -- and he said when he left, I thought you would be the last person to bring it up. And he was thinking of suicide. He had done a very stupid thing and he was going to go to prison for quite a while, but as I said to him, it's not the end of the world. You will be able to see your grandchildren. He still had little children, but, you know, he'd be out long before and he accepted and went ahead and did what he had to do.

KAREN BREWSTER: Another thing I'm wondering about is I know that you have had some experience where there was a conviction and a ruling and then the person got out and they may have been accused of another crime or maybe he -- I don't remember if the ruling was overturned or how that all happened.

VICTOR CARLSON: I -- do you know the case?

KAREN BREWSTER: I think it is the Wahl case. Is that familiar to you?

MIKE SFRAGA: Ken Wahl, Ken Wahl.

VICTOR CARLSON: Tell me about the facts.

MIKE SFRAGA: I think it was a case where a person had a change of plea and was given a 99 year sentence and then it was reversed and I think he ultimately got a 45 year sentence or --

KAREN BREWSTER: He got -- he was in jail. After some decades he was released. There was a 1983 stabbing he was convicted of, which I think may have been your conviction.

VICTOR CARLSON: Uh-huh.

KAREN BREWSTER: And he released and then in 2009 he was accused of murder.

VICTOR CARLSON: Well, I mean -- did I sentence him to 45 years so he served 30 or?

KAREN BREWSTER: No, I think you sentenced him to 99.

VICTOR CARLSON: So, he served 30.

MIKE SFRAGA: Yeah, the 99 year sentence was reversed.

VICTOR CARLSON: Oh, okay. Well, I'm -- it -- my poor memory. I'm sorry I'm not remembering.

KAREN BREWSTER: My point is that -- where you -- somebody you convicted gets released and is then either accused and/or found guilty. I don't -- in this case I don't think that has been determined, but what that feels like as a judge? It's sort the same as having it overruled?

VICTOR CARLSON: Well, as long as I did my job as well as I could, based upon the information I had at the time I did the job. I can say, you know, with better information maybe I would've done something different, but if I gave him 99 years, I couldn't give him any more and that's one terrible long sentence. That's not -- that's not the case where the two kids killed the three older people was it?

KAREN BREWSTER: No.

VICTOR CARLSON: No.

KAREN BREWSTER: No. I don't know that one. I don't know if you want to talk about it.

VICTOR CARLSON: No. No, I don't have anything to say about it. It's just a terrible case where this boy and girl went in and killed this elderly couple and the lady's sister I think, you know. Just a terrible case.

KAREN BREWSTER: Yeah, I mean I am sure that there are parent custody -- we were talking about the leniency or whatever the office is -- of some of your convictions that parents where you had to settle cases. You can't please everybody so.

VICTOR CARLSON: Well, and maybe you make the best decision when both sides are angry, but I don't necessarily follow that, but you listen and you do your best. Yeah.

KAREN BREWSTER: So did you go -- enjoy going back to the public defender --

VICTOR CARLSON: I did.

KAREN BREWSTER: Side of things?

VICTOR CARLSON: Yes.

KAREN BREWSTER: And why?

VICTOR CARLSON: Because you have such a relationship with individuals. And -- and working on how to get them to open up to you so that you can try to explain and be a good advocate for them when you're negotiating with the district attorney. There were cases where I couldn't get my clients to do that and it tied my hands in negotiations. I mean I used what I had, but if they would've told me what really was going on in their heads, I could've done a better job, because I was dealing with reasonable -- reasonable people on the other side, you know, and they'd listen to arguments. But if I didn't have it, I couldn't present it.

KAREN BREWSTER: I think I asked you earlier whether your work as a public defender and prosecutor affected what you did as a judge.

VICTOR CARLSON: Well, undoubtedly it did.

KAREN BREWSTER: Did it work the other way once --

VICTOR CARLSON: Well, I just had had this wealth of experience in dealing with humans so I was a better lawyer I hope at the end of my career than I was in the beginning, I hope.

KAREN BREWSTER: And when did you decide to retire from all of it?

VICTOR CARLSON: Well, I was in court just last week.

KAREN BREWSTER: Oh, so I guess you haven't retired.

VICTOR CARLSON: But -- but I -- that was only because I sort of felt I had to be there and so I was there and maybe that will be the last time.

KAREN BREWSTER: You left the public defender's?

VICTOR CARLSON: In '98.

KAREN BREWSTER: Ninety-eight.

VICTOR CARLSON: Yes, I have done very little as a lawyer since and only for essentially people I know and, you know, I have another life. There are other things to do.

KAREN BREWSTER: Right.

VICTOR CARLSON: And in the summertime I get to run a little B&B.

KAREN BREWSTER: Oh.

VICTOR CARLSON: And get to meet interesting people from all over the world.

KAREN BREWSTER: And I was going to say, you said I have a life with all these other things. So what are some of those other things --

VICTOR CARLSON: Well, some of them --

KAREN BREWSTER: That you give you enjoyment?

VICTOR CARLSON: I enjoy running a B&B from mid-May to mid-September and I like to -- we like to entertain, we like to travel. We were just in Ecuador and so on, figuring out where to go next year.

KAREN BREWSTER: And as you say, you are involved in the gay community here in Anchorage.

VICTOR CARLSON: I am very much, yes. Uh-huh. Yeah. Uh-huh.

KAREN BREWSTER: And do you sometimes substitute as a judge?

VICTOR CARLSON: No.

KAREN BREWSTER: No.

VICTOR CARLSON: No.

KAREN BREWSTER: Because I know that some --

VICTOR CARLSON: Some do.

KAREN BREWSTER: Some do that.

VICTOR CARLSON: Yes. Uh-huh.

KAREN BREWSTER: So looking back on your career in all its forms from the attorney side and the judge side, what do you think has been your biggest accomplishment, your lasting legacy?

VICTOR CARLSON: Well, I certainly have had influence on some people younger than myself who are either still lawyers or they're judges or they're just individuals in the community and that's the biggest accomplishment one can have is to be the catalyst which has helped them to grow and somebody else might well have been the catalyst I just happened to be there at that time.

KAREN BREWSTER: Any particular cases that stand out in your mind as your biggest successes that you're most proud of?

VICTOR CARLSON: Well, I wrote a very detailed decision about our prison system, once upon a time, and was very involved in the prison system here in Alaska. I -- one of the successes was I kept the courthouse doors from being, you know, what we have now with all of this security -- for several years I was one of the advocates for not having security at the courthouse because I know that if somebody wants to get a judge, they are going to get him. Having people go through a metal detector at the front door of the courthouse doesn't protect you from getting killed. It may screen out a few people who would carry a gun into the courtroom and do something really, really stupid. Those are -- those number of cases that occur are so few and the cost we're paying for not having our courtrooms

open so that people can stop in and listen because that's what guarantees that things are going to be done right. Shine light on it. And now you have to go through the procedure of taking off your coat and on and on. And so people don't just stop in like they used to do and I think that that was one of the strengths of our system is that the courthouse door is open and that our institutions are open to scrutiny -- public scrutiny whether it's a newspaper reporter or whether it's just a citizen or whomever it might be.

KAREN BREWSTER: You mentioned prison reform.

VICTOR CARLSON: Oh, we had a prison case and I -- it was -- Fred McGinnis was the Commissioner of Health and Social Services which was in charge of corrections at that time and so it was somebody versus McGinnis. The plaintiffs changed names. I can't remember, but I wrote about fifty pages. One of the most interesting things I did was being involved in the Northern Justice Society, which was a group of people from Simon -- well, sponsored by Simon Fraser University near Vancouver and there was a criminology professor there, and a public policy professor there, who got this organization going and I was the delegate from Alaska. Justice Boney and then Justice Rabinowitz appointed me and we had judges from northern -- well, like Justice Maddison from Whitehorse and judges from the Northwest Territories and from Greenland as well. And I was involved in that and we were talking about justice delivery in the north -- the northern part of the provinces and the two territories at that time, now three in Canada and Alaska. And we had some conferences about this issue, one in Sitka, Yellowknife, Whitehorse, so on and that was one of the most fun things that I got to do.

KAREN BREWSTER: So what came out of all that?

VICTOR CARLSON: Well, at that time we were discussing these issues about fly-in and fly-out justice and how important it is to educate people about what's going on. That is, you know, you don't just come in on an airplane and yank somebody out of the community. That helped to establish the courts in rural Alaska; the superior court in Bethel and in Kotzebue and in Dillingham and in Kodiak and so on. So it's had a big impact right here.

KAREN BREWSTER: Yeah, you would say so. Is there anything that you miss about being a judge?

VICTOR CARLSON: Involvement, yeah. That could be satisfied by any type of work, but yeah involvement.

KAREN BREWSTER: Well, family court you spent a lot of time -- years in, certainly a different type of setting than, you know, being on the appeals court or something.

VICTOR CARLSON: Well, any trial court bench is so different from being on an appellate bench.

KAREN BREWSTER: Right.

VICTOR CARLSON: Yes and my personality is best -- better suited I think for the trial court bench than it is for the appellate bench. You have to have a whole shift in your emphasis. Not that it's not equally if not even more important but it's different work.

KAREN BREWSTER: Different in what way?

VICTOR CARLSON: Well, you are -- the interaction you have is with your fellow judges or justices and it's all in writing, even your interaction with your fellow judges or justices --

KAREN BREWSTER: This is at the appellate level.

VICTOR CARLSON: At the appellate level it's all in writing. You -- they write memos to one another. They don't just go in and talk and decide how they are going to do it despite what you may think they do. Everything is written down. It's all so that they could find it

again and, you know, that requires a different mindset. When you interview now Judge Christen, former Justice Christen, former Judge Christen, Morgan, you know, she can explain it to you. She's been through it -- She's going back. Well, she's going up to another appellate bench, yes, the Ninth Circuit.

KAREN BREWSTER: Oh, right.

VICTOR CARLSON: Uh-huh. Yeah.

KAREN BREWSTER: Okay. She is the one going to --

VICTOR CARLSON: Yeah.

KAREN BREWSTER: What about anything you wish you had done differently in your career, any regrets?

VICTOR CARLSON: No, I was lucky to come to Alaska when I was young. I was so fortunate and so fortunate to meet the people I've met. You know, the Jay Rabinowitz's, the Tom Stewart's, the Hugh Gilberts, the Ralph Moody's, the John Havelock's, Herb Soll's, on and on and on, you know. They've enriched my life. The people, you know, rural Alaskans. Byron Mallott. Willie Hesley, John Sackett. I got to know them, you know. We were all young at the same time. I got to see the change in rural Alaska when I used to go to -- at that time no rural high schools, but I can remember being in Tanana and going in as an assistant district attorney and talking to the six grade or eighth grade class or something, year one. Two years later going back and the difference because RCA had decided to train local people, Athabascan Indian people to work on the DEW Line sites and that gave such opportunity and hope to people who two years before, you know, now my uncle's doing it, so then I can do it. Morris Thompson was one of those people. Yeah. And seeing this whole Native land claims and what that has done for rural communities and rural people and for the state of Alaska. It's been a benefit to the state of Alaska.

KAREN BREWSTER: When you came in to Alaska when you say early on as a young state and you still had a chance to be involved and make a difference, what does that feel like?

VICTOR CARLSON: Well, you can still be involved and make a difference, you know. It's still a very small place. It's still a young place. It's a privilege. It's a great privilege, you know. It's a great privilege to have known Governor Egan. To have worked with that -- those early legislators, in those days, we advised the legislature. The Legislative Affairs Agency didn't have much in the way of a legal staff and so we drafted legislation for legislators. So I knew Howard Pollock very well. I knew Evan Hobson, quite well.

KAREN BREWSTER: Uh-huh. So one last question for me is an overall assessment of Alaska's judicial system overall, how would you assess --

VICTOR CARLSON: Oh, we're very -- we're very fortunate to have a very dedicated and high -
- highly trained judicial system. We've had good leadership. We have good leadership now in the judicial system, at all levels.

KAREN BREWSTER: And you think through time and in your career it's always been that way or have you seen change?

VICTOR CARLSON: I think it's always been that way. I think it's gotten better.

KAREN BREWSTER: And how are -- what the strengths or weaknesses of our system?

VICTOR CARLSON: Well, the strength is that we send people for training. We send judges for training down at the Judicial College in Reno, Nevada. We put on seminars for them. We have a spring judicial conference and a fall judicial conference where they get training. Justice Eastaugh, who has recently retired, used to come to magistrate training sessions not to participate as a trainer but to be there to show that this is important. Justice Carp --

Chief Justice Carpeneti stops in to show that it is important. They don't, you know, and they know it's important and they're not there just to pretend. They're there because they're interested.

KAREN BREWSTER: I'm wondering about some of the challenges that Alaska's justice system faced over the years. We are a big state and with diverse communities with different needs?

VICTOR CARLSON: Well, there are always challenges to help people realize what the role of a judge is and we've had people who have made mistakes and working through those mistakes and teaching them to be better has been one of the big challenges. And I had an experience like that once upon a time in Galena when I was public defender.

KAREN BREWSTER: Would you like to say more?

VICTOR CARLSON: I went to talk to the magistrate. I was -- went out to represent some people that she had issued arrest warrants for and who were tied to Caterpillar tractors in the maintenance garage. They maintained the airport and so on. And she said I don't think I should talk to you because you are on the other side. And I said judge I didn't think you were on either side. I don't think there is any more to be said. I worked hard to get my clients unchained from the Caterpillar tractors because that's not the way to treat anybody.

KAREN BREWSTER: And, all right. Well, I --

MIKE SFRAGA: One other question.

KAREN BREWSTER: Well, go ahead Mike.

MIKE SFRAGA: I had a question about challenges to the judicial system through politics or the retention election system. It seems like -- I wonder if you have ideas about things that judges should be able to do either in retention elections or outside of retention elections to be able to protect their integrity or protect the integrity of the court system, generally. It seems like we have increasing number of attacks on specific judges in elections.

VICTOR CARLSON: Well.

MIKE SFRAGA: And so do you have thoughts about --

VICTOR CARLSON: I certainly do and, of course, I don't think we should have retention elections because you don't have to stir up many people to defeat a judge. We've been so fortunate that the attacks, for example, on Justice Fabe were not successful. But those attacks on Justice Fabe, on Judge Tan and so on show that that system -- it's a better system than electing judges by far, but our federal system of once you are appointed and are on the bench you're there unless you are removed by a disciplinary committee, federal judges by congress, but us by a disciplinary committee. That -- that system works. The disciplinary committee system works, you know. We -- we're having a judge who's now retiring who, you know, couldn't seem to learn.

KAREN BREWSTER: Well, if there hadn't been that retention process, would you have still retired?

VICTOR CARLSON: No, I wouldn't have. No, I thought I was doing a good job, but I didn't -- I think of how much money I was going to have to contribute and then other people contribute to try to say that a gay judge should be retained and I don't know that that would have happened. Now maybe I should taken that risk, but it would have put a lot of people through a lot of misery, including myself. So, but the issue now is, you know, about people who rule upon cases like Judge Tan did and like Justice Fabe did and so on, which is primarily the right to abortion. That's -- that's been the major issue in the last

years for judges and they should -- they're good judges, you know. Maybe they made a mistake. Not in my view, but maybe they did, but that doesn't mean that they should not be retained. They're not, you know, they're not taking money under the table. They're not doing something against anybody. They're taking the law and evaluating it as best as they can.

KAREN BREWSTER: We're going to end. Thank you very much for your time.

VICTOR CARLSON: You welcome.

KAREN BREWSTER: Very much appreciated. End Tape 2