

## INTERVIEW OF GERALD VAN HOOMISSEN

CONDUCTED BY KAREN BREWSTER  
AND NIESJE STEINKRUGERMAY 15, 2012  
AT RASMUSON LIBRARY IN FAIRBANKS, ALASKA

## TAPE 1 - ORAL HISTORY

KAREN BREWSTER: Okay. Today is May 15, 2012 and this is Karen Brewster here in Rasmuson Library with Judge Gerald Van Hoomissen and Niesje Steinkruger for the Judges Oral History Project. Thank you Judge Van Hoomissen for letting us interview you. It's been a logistical --

JUDGE VAN HOOMISSEN: Yeah.

KAREN BREWSTER: -- puzzle, but we did it. So go ahead Niesje. why don't you get started?

NIESJE STEINKRUGER: Well, Judge Van when I think about you, I think about -- on the bottom of pages, granted or denied, and then you put four initials, right?

JUDGE VAN HOOMISSEN: Yeah.

NIESJE STEINKRUGER: Yeah.

JUDGE VAN HOOMISSEN: GJVH.

NIESJE STEINKRUGER: Yes. Yes. And then we'd know if it was granted or denied. Where are you living now, and how did you come to be in Fairbanks today?

JUDGE VAN HOOMISSEN: Well, I flew up to Fairbanks from Palmer. We're still residents of Alaska and we live in Palmer, but we're snowbirds, so we winter in Green Valley, Arizona.

NIESJE STEINKRUGER: You and Wanda?

JUDGE VAN HOOMISSEN: Yeah. And it's a little easier on the bones in the wintertime than the cold weather, so --

NIESJE STEINKRUGER: Tell me a little about yourself, where you grew up, where you met Wanda, how many kids you had.

JUDGE VAN HOOMISSEN: Well, I was born in Portland, Oregon, and I met Wanda when I was a soph -- freshman in -- sophomore in high school skiing up at Mt. Hood. She got in a fight with her boyfriend and didn't have a ride home so I gave her a ride home. And we got married in '56, had seven children, one died, and we got 13 -- 13 grandchildren, two great grandchildren. And she's still the best thing that ever happened to me. Yeah.

NIESJE STEINKRUGER: And where'd you go to college and law school?

JUDGE VAN HOOMISSEN: Well, I went to college at Northwestern College of Law in Portland. I went to Gonzaga the first two years then I transferred to Northwestern, which was the old University of Oregon Law School. When they moved out of Portland and moved to Eugene all the professors and everybody stayed in Portland and that later became Lewis & Clark. And then I went to high school in Portland, practiced in Portland for six years, and I didn't like Portland ever since I realized I was living there so -- because I always wanted to come to Alaska.

Gerald VanHoomissen

Tape 1

May 15, 2012

Page 1 of 15

NIESJE STEINKRUGER: Really!

JUDGE VAN HOOMISSEN: Yeah, always. I read every book on Alaska and I came up --

NIESJE STEINKRUGER: Is this when you were a kid?

JUDGE VAN HOOMISSEN: Yeah. I came up -- my brother was in Soldotna and my wife and I came up to visit him in October of '64 -- September of '64. I went back and told my partners I'm moving to Alaska and they didn't believe it because I was telling them I was going to move out of Portland all the time I was there. And by October I was in Alaska.

NIESJE STEINKRUGER: And where did you go to work in Alaska or how did you find a job?

JUDGE VAN HOOMISSEN: Well, I -- I was hired in the US attorney's office really before I left Portland, but my FBI clearance didn't come through until, you know, it took a while I guess to run me down I don't know, but I went to Kenai and wired a guy's house and built a shed for -- I can't think of his name. Anyhow, he had a store in Kenai. And when it came through just before Christmas of '64, I went to work in Anchorage.

NIESJE STEINKRUGER: Who was the US attorney?

JUDGE VAN HOOMISSEN: Dick McVeigh. He just died here recently.

NIESJE STEINKRUGER: And then did you cover the interior and the north out of the US attorney's office in Anchorage? How'd they do it?

JUDGE VAN HOOMISSEN: Well, we covered the whole state out of the US attorney's office. And we had Russ Holland was in the office for a while then. And I did most of the traveling because the others didn't like to travel. And so I'd go to mainly southeast and Fairbanks. We didn't -- we didn't do too much out in the village then, but southeast -- Ketchikan, Juneau, Petersburg, and Fairbanks is the main --

KAREN BREWSTER: Can I take us back a step?

NIESJE STEINKRUGER: Sure.

KAREN BREWSTER: Which is to tell me about your family background. What was your family like --

JUDGE VAN HOOMISSEN: Oh.

KAREN BREWSTER: Your growing up like?

JUDGE VAN HOOMISSEN: Well, my dad was a lawyer and he practiced in Portland for 48 years before he had a stroke. And my mother she was a housewife. I had two brothers, both of them were priests, and a sister who's a nurse. And that's about it. It wasn't too exciting.

KAREN BREWSTER: What was your childhood like?

JUDGE VAN HOOMISSEN: Well, it was -- it was, you know, I grew up in a good family. I had -- went to Central High School -- went to Catholic high schools all through grade school and high school. And I did a lot of hunting and a lot of fishing. I was -- did a lot of outdoor work. We had a cabin up at Mt. Hood and in the summers I'd work in the grocery store up there. And then I worked in a ski shop in Portland for Yalmar Vohm (phonetic), who was the coach of the 1952 US Nordic Olympic Team.

KAREN BREWSTER: And did you tell us what year you were born?

JUDGE VAN HOOMISSEN: 1934. July 10, 1934.

NIESJE STEINKRUGER: Where did you get -- I know from traveling with you that you have skills like in carpentry, plumbing, wiring --

JUDGE VAN HOOMISSEN: Well, I did -- I just --

NIESJE STEINKRUGER: Where did you learn that stuff?

Gerald VanHoomissen

Tape 1

May 15, 2012

Page 2 of 15

JUDGE VAN HOOMISSEN: Just doing it and reading, you know, the electrical code and stuff like that. I just like to do that stuff, always have. And I don't know I just -- I've done a lot of residential wiring in Portland for people I knew. I built my house in Anchorage. We built it from the ground up, my wife and I.

NIESJE STEINKRUGER: How did you come to get your pilot's license?

JUDGE VAN HOOMISSEN: Well, I've always wanted to fly and I started flying in Portland and it was -- it was just flying airport to airport and, you know, it just didn't -- I wanted to get out in the Bush so I really came up to Anchorage and finished it up up there. And I've been flying up until about five years ago. Now the kids are all -- I got three kids that are pilots. Two of them fly -- both of them fly for Alaska Airlines. One's on -- is a deputy commander of the NORAD Site at Eielson, so --

KAREN BREWSTER: So why did you decide to go into law?

JUDGE VAN HOOMISSEN: Well, there wasn't anything else to do. I, you know, I got out of high school and my dad was a lawyer and I went to Gonzaga and I figured, you know, I really didn't know what I was going to do when I got out of high school. But they had a law school there and I figured well, I might as well go to law school

NIESJE STEINKRUGER: Did you have to take a bar exam in Alaska?

JUDGE VAN HOOMISSEN: No, I took it in Oregon, but because of the years of practice in Oregon you didn't have to have a bar -- you'd have to be a member of the bar to represent the government, and there was some kind of a deal where you didn't have to when you were a DA, but when I became DA that's when I was admitted and that was on reciprocity.

NIESJE STEINKRUGER: So how did -- were you before or after Ted Stevens in the US attorney's office?

JUDGE VAN HOOMISSEN: Oh, I was after him.

NIESJE STEINKRUGER: Uh-huh.

JUDGE VAN HOOMISSEN: He was DA in -- in Fairbanks for a while.

NIESJE STEINKRUGER: Uh-huh.

JUDGE VAN HOOMISSEN: Yeah, I was -- I was after him. I don't know who was -- who was US attorney before Dick McVeigh. I don't know who it was.

NIESJE STEINKRUGER: When you did -- where did the federal court sit? For example, if you had Fairbanks cases did a federal judge come to Fairbanks?

JUDGE VAN HOOMISSEN: Yeah. Usually Judge Plummer, Ray Plummer.

NIESJE STEINKRUGER: And did you ever do -- US cases in Nome?

JUDGE VAN HOOMISSEN: I was -- I was admitted to the Ninth Circuit Court of Appeal in Nome. I had an appeal -- the answer is yes. I had an appeal that was to be heard in San Francisco and the court decided they were going to all come to Nome to hear it. It was a Munz Airline case. And we reversed Judge Hodges on that, and he wasn't real happy with that reversal.

KAREN BREWSTER: What were the details of that case? What was that about?

JUDGE VAN HOOMISSEN: Well, I -- it's -- Kenny Munz [per court records his name was William Munz - [http://ak.findacase.com/research/wfrmDocViewer.aspx/xq/fac.19651030\\_0001.c09.htm/qx](http://ak.findacase.com/research/wfrmDocViewer.aspx/xq/fac.19651030_0001.c09.htm/qx)] was flying a group of, I think either bankers or legislators, I can't remember what. It was before I came to Alaska there was a crash on the North Slope up near -- up near

Gerald VanHoomissen

Tape 1

May 15, 2012

Page 3 of 15

Wainwright somewhere up in there [per court records the flight was in August 1960 with representatives of Miners and Merchants Bank of Alaska flying from Nome to Kotzebue where had landing accident at Nome airport upon its return, and lawsuit was related to operating charter flight without properly certified pilot and with a faulty compass]. And the case arose out of that and it was a civil penalty case brought by the CAA or FAA, I don't know what it was then. And Munz won and the US attorneys -- the solicitor appealed it. I argued it. Charlie Cole was on the other side, but I don't remember all the facts of that thing.

KAREN BREWSTER: That's -- that's good enough, thank you.

NIESJE STEINKRUGER: When you arrived, what was the legal community like in Fairbanks? Who was around?

JUDGE VAN HOOMISSEN: Before I came to Fairbanks I wrote to the secretary of the Alaska Bar, which was -- later became Judge Kalamarides, and asked for the requirements for admission and application for admission to the bar, and he wrote back and said we don't need any more lawyers up here. So when I came up one of the first cases I had was with Kalamarides in the US Attorney's office. Anyhow we made -- we were -- became very good friends, but it was -- I think there were less than 300 lawyers in Alaska when I came here. There were very few, and they were all pretty much situated in Anchorage and Juneau. In -- up here George Yeager was here and now I can't think of who else, but --

NIESJE STEINKRUGER: Mike Stepovich?

JUDGE VAN HOOMISSEN: Oh, Mike Stepovich, yeah. Charlie Cole and Dick Cole, but if I remember right --

NIESJE STEINKRUGER: Bob Parrish?

JUDGE VAN HOOMISSEN: Bob, yeah, Bob Parrish. His sons weren't practicing then.

KAREN BREWSTER: And what year would this have been when you -- in '64 or '65 --

JUDGE VAN HOOMISSEN: '64.

KAREN BREWSTER: When you became the --

JUDGE VAN HOOMISSEN: '65 really's when I started coming up here, yeah. And we came up pretty regular.

NIESJE STEINKRUGER: How did you -- what -- what moved you from Anchorage to Fairbanks?

JUDGE VAN HOOMISSEN: Well, Ken Edwards was attorney general. He offered me the job of attorney -- dis -- DA in Anchorage or Fairbanks. And Fairbanks handled all of the state's business. We didn't have an AG's office here then so we handled the -- the condemnations and contract claims cases and all that stuff. And that's what I wanted to do. I didn't want to do just criminal work. And so I took the Fairbanks job and I brought my wife up. It was a beautiful day and she says I kind of like it up here. And we moved up here and the best move we ever made.

KAREN BREWSTER: So why is it that you didn't want to just do criminal work?

JUDGE VAN HOOMISSEN: Well, criminal -- I'd been doing criminal work as well as civil work with the US Attorney's -- it's pretty -- it's pretty cut and dried. It's the same thing. It may sound exciting to people who aren't involved in it, but you hear the same defenses. You hear the same prosecution, opening statements. You give the same instructions. It's just a little more boring than -- it's not that taxing after you do it for a while.

KAREN BREWSTER: So civil is more stimulating?

Gerald VanHoomissen

Tape 1

May 15, 2012

Page 4 of 15

JUDGE VAN HOOMISSEN: Yeah, you have to -- you have to -- you have to study each case, yeah. It's -- it's a lot more interesting, I think.

NIESJE STEINKRUGER: And what did Wanda do?

JUDGE VAN HOOMISSEN: She was a school nurse. And she was, I think, one of the first school nurses they had up here. Yeah. She worked for the -- the -- the Fairbanks Clinic for a while when she first got up here, but then -- Then she went to work for the school system.

NIESJE STEINKRUGER: Where was the DA's office located when you went to work there?

JUDGE VAN HOOMISSEN: In the old courthouse down on Barnette. It was across from the police station.

NIESJE STEINKRUGER: And how long did you work in the DA's office?

JUDGE VAN HOOMISSEN: Oh, just a little over a year.

KAREN BREWSTER: So what year was it that you --

JUDGE VAN HOOMISSEN: Nineteen sixty -- 1969, '68, part of '68 and '69.

NIESJE STEINKRUGER: And then where did you go?

JUDGE VAN HOOMISSEN: I went to work -- I went into practice with Gene Miller. And I was there a year. And then I went on the bench.

NIESJE STEINKRUGER: Is that there at 10th and Barnette where his house was?

JUDGE VAN HOOMISSEN: Yeah, it was -- his office was in the house in the basement, yeah.

NIESJE STEINKRUGER: Uh-huh. And had you always planned to apply to be a judge?

JUDGE VAN HOOMISSEN: No.

NIESJE STEINKRUGER: How did that happen?

JUDGE VAN HOOMISSEN: Well, I -- I just figured it's time to move on and I -- I wasn't real satisfied where I was, and I thought, you know, that would be interesting work. And it was.

NIESJE STEINKRUGER: Who was on the bench -- what year did you go on the bench?

JUDGE VAN HOOMISSEN: 1970.

NIESJE STEINKRUGER: And who was -- who were the judges in Fairbanks at that time?

JUDGE VAN HOOMISSEN: Everett Hepp and Bill Taylor.

NIESJE STEINKRUGER: Were there any District Court judges?

JUDGE VAN HOOMISSEN: Yeah, Judge Connelly, of course, and Judge Delahay [per Alaska Judicial Council, Delahay was never a district court judge, although he might have been a magistrate], and I think that was it.

NIESJE STEINKRUGER: Judge Miller wasn't there then?

JUDGE VAN HOOMISSEN: Oh, yeah, Judge Miller, yeah. Judge Miller, Delahay and Connelly.

KAREN BREWSTER: So you became appointed as a Superior Court judge?

JUDGE VAN HOOMISSEN: Yes.

KAREN BREWSTER: Ok. And Hepp and Taylor were the other Superior Court judges?

JUDGE VAN HOOMISSEN: They were the other Superior Court judges.

NIESJE STEINKRUGER: And Miller, Delahay and Connelly?

JUDGE VAN HOOMISSEN: Were District Court.

NIESJE STEINKRUGER: And was Rabinowitz here then?

JUDGE VAN HOOMISSEN: Rabinowitz was here, yeah.

NIESJE STEINKRUGER: On the Supreme Court?

Gerald VanHoomissen

Tape 1

May 15, 2012

Page 5 of 15

JUDGE VAN HOOMISSEN: Yeah. Yeah.

NIESJE STEINKRUGER: Uh-huh. And was your position a new position or did you fill somebody's slot?

JUDGE VAN HOOMISSEN: It was a new position and it was originally designed to be a family court judge, which I would not have been interested in. But when the bill came out, it came out as a general jurisdiction judge, yeah.

NIESJE STEINKRUGER: What attracted you about the work?

JUDGE VAN HOOMISSEN: Well, it was -- I've always been for the most part a trial lawyer. I like the trial work. The hardest thing for me as a judge is to keep my mouth shut and not ask-- say ask them this, ask them that. But I enjoyed it. It was -- it was I think we had as judges a little more discretion then than we have now. There's so many more presumptive sentencing rules and so forth and I don't know -- it just -- it was just interesting. You hear lots of different cases. You get an opportunity to watch different lawyers. You get an opportunity to use your judgment, which that can be a good thing or a bad thing, but I enjoyed it.

NIESJE STEINKRUGER: Tell me about the first days and learning to handle lawyers?

JUDGE VAN HOOMISSEN: Well, the first case I ever -- the first time I ever took the bench it was a motion calendar. And I had a lawyer in there that was -- he was testing the new judge and just raising all kinds of cane, and I got a little upset, and I said we're going to take a brief recess. And I came out and slammed the door and Judge Hepp was there and he said, "What's the matter?" And I said that lawyer is just -- he and I are going to tangle. And he put his arm around me and he said, "Well, now judge you've got to learn -- one thing you got to learn is to be calm and to be -- not to get excited and to control your courtroom." And I thought, "Well, okay, that's pretty good advice." I went back in, finished the motion calendar, and I came out and Judge Hepp came out of his chambers and slammed the door. And I said, "Geez, what's the matter?" And he said, "That doggone lawyer." So I just put my arm around him and said, "Now judge, one thing you got to remember." That was the first day on the job and he was very -- very helpful to me after that. I mean we didn't -- we had some pretty serious disputes when I was in the DA's office, but afterward he was -- he was a lot of help and he was a good judge.

KAREN BREWSTER: Talk about on-the-job training.

JUDGE VAN HOOMISSEN: Yeah. Yeah.

NIESJE STEINKRUGER: Did they send you to school?

JUDGE VAN HOOMISSEN: Yeah, at that time we -- the LEAA, the Law -- the federal funds were available for training law enforcement officers and judges. And we were sent to the Judicial College at Reno -- University of Nevada. And it was very good, very helpful. And I went back several times taking different courses and it was really -- really helpful.

KAREN BREWSTER: What does LEAA stand for?

JUDGE VAN HOOMISSEN: Law Enforcement Assistance Administration or something like that. Yeah. I don't know whether those funds are still available. I don't think the judges have the opportunity to go as much as we did. They go for the initial courses, I guess now, but --

NIESJE STEINKRUGER: What were -- in the -- let's say in the 70's, can you tell us was there a difference between kind of the early 70's and the later 70's when the pipeline started to gear up?

Gerald VanHoomissen

Tape 1

May 15, 2012

Page 6 of 15

JUDGE VAN HOOMISSEN: Oh, yeah, yeah, there was -- there was a substantial difference. First of all, you had a tremendous -- well, the early 70's wasn't so bad, but because of the delays in getting the pipeline going, but once it started going we had people coming up from Outside. We had virtually quit doing civil cases, because of the criminal load. We had a lot of drugs. Drugs were the biggest problem. We had a lot of juvenile problems, too, because the juvenile population came up here and a lot of them with -- I can't remember what they call it, but the card you needed to get on the Slope.

NIESJE STEINKRUGER: Residency card.

JUDGE VAN HOOMISSEN: Residency card. Well, and you --

NIESJE STEINKRUGER: Was that it?

JUDGE VAN HOOMISSEN: No, that wasn't it. You had to have so many hours in a particular occupation in order to get up on the Slope. And these kids were coming in that weren't, you know, dry behind the ears and they were all -- they had these cards. They'd come in for raising cane in town or drugs or fights or drunkenness or something and --

KAREN BREWSTER: Prostitution?

JUDGE VAN HOOMISSEN: Yeah. And they'd say, "Well, I got a job on the Slope." I said, "Well, how long you been here?" "Well, I've been here six months." I said, "Well, you can't have the card then. Where'd you get the card?" Well, they were issued all out of one place in Washington. Generally, operating engineers. And these kids were given those cards and coming up and getting the jobs. But we still only had three judges, and that's when we got, I think, was it Meg Greene that came on then.

NIESJE STEINKRUGER: Uh-huh.

JUDGE VAN HOOMISSEN: We got an additional one and we got the judge in Bethel, because we were just -- we were doing nothing but criminal cases.

NIESJE STEINKRUGER: Do you remember the Teamster law firms developing then? Weren't there two or three law firms that appeared?

JUDGE VAN HOOMISSEN: Yeah, I don't know. The Teamsters, of course, were a power. When the building was dedicated out there on the south end of town. The Rec Center. Why I don't know about the lawyers, but when they dedicated the building they sent out a limousine to my house and to Rabinowitz house with an engraved invitation. And I talked to Jay, I said do you think we ought to go because I said Dave Beck -- we studied him in labor law when he was blowing up bakery trucks in Spokane, Washington. And I said, "You know, I don't think it's too good a idea we go out there." And we didn't go. They offered also a job to my son if they didn't have to serve on the jury and that kind of stuff. It wasn't a pretty -- pretty deal. But I don't know that we had Teamster firms. I don't know about that. I think Rice, Hoppner did a lot of Teamster work.

NIESJE STEINKRUGER: Electrician and -- do you recall that in those days one of the job benefits for union folks was legal representation, kind of like having --

JUDGE VAN HOOMISSEN: Oh, yeah. Yeah.

NIESJE STEINKRUGER: Medical insurance.

JUDGE VAN HOOMISSEN: Yeah, yeah.

NIESJE STEINKRUGER: And how did that affect things?

JUDGE VAN HOOMISSEN: Well, I'm sure it did, but I really don't -- I can't remember. These guys were all represented, and I don't know whether it was public defender or whether it was Teamsters.

Gerald VanHoomissen

Tape 1

May 15, 2012

Page 7 of 15

KAREN BREWSTER: So, was there a public defender here in Fairbanks at that time?

JUDGE VAN HOOMISSEN: Yes, I think, yeah there was. In fact, Dick Madson was probably I think the first one and I don't know -- I think when he came up he wasn't a public defender. He later -- they -- I'm not sure that there was one. He was -- he was the first one that really did a lot of defense work for the Bar. But I don't know whether he was hired by the state or not.

KAREN BREWSTER: Because Vic Carlson was one of the first down in Anchorage?

JUDGE VAN HOOMISSEN: In Anchorage, yeah.

KAREN BREWSTER: But I don't know when they started up here in Fairbanks.

NIESJE STEINKRUGER: Do you recall the Rolodex for appointments of attorneys?

JUDGE VAN HOOMISSEN: Yeah.

NIESJE STEINKRUGER: Tell us how that worked.

JUDGE VAN HOOMISSEN: Not very well.

KAREN BREWSTER: Can you explain what that is, what you mean?

JUDGE VAN HOOMISSEN: Well, if you were a member of the Bar, part of your responsibility as a Bar member was to defend indigent criminals. And so you just went through the list and take them as they come.

KAREN BREWSTER: So, you as the judge would go through the Rolodex and pick somebody?

JUDGE VAN HOOMISSEN: Yeah. That didn't happen too long, but I know that we had for a period of time we had a few lawyers that just would not do it. And, you know, that caused a little problem, but they could be appointed and if they didn't do it, they could get their own substitute to do it.

KAREN BREWSTER: That was my question is what if -- if you appointed somebody and they could say no? What happened? Did they get penalized if they said no?

JUDGE VAN HOOMISSEN: Well, theoretically, but we didn't -- we didn't do it, you know. You're not going to get too good a representation from somebody who doesn't want to represent you. So they'd usually get a substitute. And I -- I think -- it seems to me Dick was the substitute for an awful lot of those guys when they first came up.

NIESJE STEINKRUGER: Do you recall what would happen after guys had been working up on the Slope for six, eight, ten, twelve weeks, and then they'd come to town?

JUDGE VAN HOOMISSEN: They recreated when they came to town. Yeah. The bars were full and the assaults and the fights were -- there were a lot of them. But it was -- it was a busy time, especially for the district court because a lot of those things were -- well, it was for us too, but a lot of the -- the district court had a tremendous load, because they handle all the drunks and DUI's and all that stuff. So they were really inundated.

NIESJE STEINKRUGER: What happened in family law during that time?

JUDGE VAN HOOMISSEN: It increased. You had -- you had a lot of divorces where you had non-resident -- one non-resident spouse, which is -- I can't remember how we handled that, but first of all there was a residency requirement, and a lot of times it couldn't meet it, so we didn't handle it. It was a real problem with one spouse being up here and one spouse being Outside and children involved. Custody was a constant battle in court. Well, you were in on a lot of that.

KAREN BREWSTER: So how did you handle that if one of the spouses is not in Alaska?

JUDGE VAN HOOMISSEN: Well, the law -- now let's see if I can get this right. The law where the divorce was entered and if they had -- if that court took jurisdiction of the

Gerald VanHoomissen

Tape 1

May 15, 2012

Page 8 of 15

children, that was the court that determined the residency of the children. So our job was to try and negotiate, I guess, visitation back and forth. And we had a lot of the stuff where you'd -- you'd require them to get an airline ticket that was not refundable. Well, there isn't any such thing as a nonrefundable airline ticket, but, you know, probably if we never did anything else, we earned our money on domestic relations, because if you make a mistake there, the mistakes can be -- they can be drastic and have drastic effects. So I think they bothered me more than any other case we ever had.

NIESJE STEINKRUGER: Do you remember the juvenile caseload increasing during that time?

JUDGE VAN HOOMISSEN: Oh, yeah, yeah, everything did. I mean we went -- we went from a little mining town overnight to a -- well, the population doubled. I think, in that period of time, more than doubled. A lot of transient people coming through. A lot of people moved up, not a lot, but there was just an awful lot of people around. When you have an awful lot of people, you're going to have an awful lot more problems.

NIESJE STEINKRUGER: Murder cases?

JUDGE VAN HOOMISSEN: Murder cases, yeah. Yeah. We had, I think, I personally, I think tried more murder cases that were transferred up from Anchorage than they did -- than originated here.

NIESJE STEINKRUGER: How about civil wrongful death cases related to industry? Were there many of those -- heavy equipment, cranes, airplanes?

JUDGE VAN HOOMISSEN: We did have. Related to the North Slope. I think, most of those were handled in Anchorage. But we had mining and we had exploration. I had one major crane accident.

NIESJE STEINKRUGER: Where was that? Where did that happen?

JUDGE VAN HOOMISSEN: That was out on Rosie Creek Road. A Drott crane and that was the Parrish Law Firm and Ed Merdes or no -- Who was it? Yeah, I think it was Ed Merdes on that one. And Judge Carpentri was also involved in that one.

NIESJE STEINKRUGER: What happened?

JUDGE VAN HOOMISSEN: Well, the brakes failed, and the crane toppled over the road and paralyzed the operator. And then I had -- we had a lot of contract claims cases. I had the Barrow Airport case. That was an interesting one.

KAREN BREWSTER: Tell us about that. What are contract claims?

JUDGE VAN HOOMISSEN: Well, that's -- when they built the airport at Barrow, they had a new method of -- first of all, they guaranteed Barrow to the contractors. Well, when they got up there it was frozen solid, and it was tearing their Cats up and everything else. And they were going to use a fractured face pit run aggregate on that thing. It was the first time that had been used. And they guaranteed the contractor oil from the Petroleum Reserve up there to run their asphalt plant. Well, the Navy said no. So they had to fly all the oil in. They had to fly the different asphalt plant in. And then when they were building it, the state -- it kept failing the compaction tests. So they couldn't figure out what was going on. Well, anyhow to make a long story short, the contractor finally got mad and got an independent contractor or lab to come up and do the compaction tests and found out that the state's instruments were all fouled up. They weren't working right. So that was a pretty good size case and --

NIESJE STEINKRUGER: So it was the contractor suing Barrow?

JUDGE VAN HOOMISSEN: The State of Alaska.

Gerald VanHoomissen

Tape 1

May 15, 2012

Page 9 of 15

NIESJE STEINKRUGER: For the overruns?

JUDGE VAN HOOMISSEN: Yeah. And they were -- Well, that wasn't Merdes. That was -- that was a fellow that later became Attorney General. An Anchorage firm. Anyhow, it doesn't make any difference.

NIESJE STEINKRUGER: So what was going -- Fairbanks covered Barrow as well as the Interior, how did that come about?

JUDGE VAN HOOMISSEN: Well, it covered Barrow and it covered Bethel.

NIESJE STEINKRUGER: Uh-huh.

KAREN BREWSTER: Oh, it covered Bethel.

JUDGE VAN HOOMISSEN: It covered Bethel, yeah.

NIESJE STEINKRUGER: Still do cover Bethel, right?

JUDGE VAN HOOMISSEN: Yeah, well, it's still in this district. That judge out there runs -- runs in the Fourth Judicial District. But the -- we had a -- we were having more cases in Barrow.

NIESJE STEINKRUGER: Because Barrow is in the Second Judicial District.

JUDGE VAN HOOMISSEN: That's in the Second Judicial District, yeah.

NIESJE STEINKRUGER: And there was a judge in Nome?

JUDGE VAN HOOMISSEN: There was -- there was a District Judge in Nome.

NIESJE STEINKRUGER: Uh-huh.

JUDGE VAN HOOMISSEN: I was -- I also covered Nome. Oh wait a minute, wait a minute, wait a minute I'm wrong. I'm getting mixed up now with the District Attorney's office. I covered Nome as district attorney because Fred Crane had died. Judge Sanders was in Nome. He was in Nome. But we went up to Barrow and Judge Rabinowitz went up with us and met with some of the -- the magistrate and some of the elders up there.

NIESJE STEINKRUGER: Who was the magistrate?

JUDGE VAN HOOMISSEN: Sadie Neakok. And we were sitting around a table like this and he says we're going to try and get a judge for -- for Barrow. And in the meantime the new judge for Barrow is going to be Judge VanHoomissen, which was news to me, but anyhow that's how it started. And we -- we tried cases in the jail for a while, but we had to keep taking a recess every fifteen minutes because the heater was right above the judge's bench, and when that thing was going, you couldn't get a record it was so loud. So about every fifteen minutes we'd take a recess, warm up the courtroom again, and then go ahead with the trial until it started cooling off. And then we moved to a Quonset hut. And the kids would -- when the snow would pile up against the Quonset hut, they'd ride their sleds and stuff off the top of the roof and yeah, it was a kick. Then we got the new courthouse and, of course, that was better. So I was up there for two years and then Judge Hodges went up.

NIESJE STEINKRUGER: Where did you stay?

JUDGE VAN HOOMISSEN: I stayed at -- for the most part out at POW Main, at the White Alice site.

KAREN BREWSTER: The DEW Line site.

JUDGE VAN HOOMISSEN: Yeah.

NIESJE STEINKRUGER: And --

KAREN BREWSTER: So what, excuse me, what years -- those two years?

Gerald VanHoomissen

Tape 1

May 15, 2012

Page 10 of 15

JUDGE VAN HOOMISSEN: Oh, boy. I -- let's see. I don't know. It was -- when did Hodges come on? I don't know.

KAREN BREWSTER: This is the seven -- the mid-70's, late 70's?

JUDGE VAN HOOMISSEN: Yeah, it would have been, I think.

NIESJE STEINKRUGER: Late 70's, I think.

KAREN BREWSTER: Late 70's?

JUDGE VAN HOOMISSEN: Yeah, late 70's, yeah.

KAREN BREWSTER: Because didn't the court get established there in '80 or '82, something like that?

NIESJE STEINKRUGER: Probably.

JUDGE VAN HOOMISSEN: Geez, was it that late. I didn't realize it was that late. Well, it'd been late 70's then, maybe --

NIESJE STEINKRUGER: What were you recording on up there -- reel to reel or were you still using the Soundsciber?

JUDGE VAN HOOMISSEN: The -- with the big wide tape?

NIESJE STEINKRUGER: Uh-huh.

JUDGE VAN HOOMISSEN: Soundsciber, yeah. Yeah.

NIESJE STEINKRUGER: What kind of cases were there up in Barrow?

JUDGE VAN HOOMISSEN: Oh, assaults, rape cases, drugs, you know.

NIESJE STEINKRUGER: Child in need of aid, juvenile?

JUDGE VAN HOOMISSEN: Child in need of aid, yeah. Yeah. In fact, you were involved in one of them where -- the first time I'd come across the Indian Child Welfare Act.

NIESJE STEINKRUGER: Uh-huh.

KAREN BREWSTER: How did that work? How does that affect the case?

JUDGE VAN HOOMISSEN: It didn't work very well because I held it was unconstitutional, but, of course, I couldn't hold it unconstitutional because it was a federal act. But I'm not sure it was -- I don't know whether it was contemplated or whether it was actually passed at the time, but anyhow it -- I know an attorney that wrote an excellent brief on that, an outstanding brief, and that brief was lost and all the court records on that brief have been lost. And the solicitor general of the US called me and -- because when it was attacked by the AG's office, they said you have to notify the -- the solicitor before I can even consider it. He called me and he said we're not going to defend it, and it was withdrawn. So --

KAREN BREWSTER: So what was it about the case in applying the Indian Child Welfare Act -

JUDGE VAN HOOMISSEN: Well, it --

KAREN BREWSTER: -- that was a problem?

JUDGE VAN HOOMISSEN: -- required that if you had Native children they had to go to Native families, and could not be adopted out to any other than Native families. And we got into -- we got into some pretty tough stuff as a result of it. For instance, the federal court started getting into cases where we had jurisdiction and assumed jurisdiction. And as far as I know, the federal court doesn't have any domestic relations jurisdiction. So there was -- it caused some problems, but I guess it's worked out, I don't know.

NIESJE STEINKRUGER: Tell me about doing child abuse and neglect and termination cases. You did a lot of those didn't you?

Gerald VanHoomissen

Tape 1

May 15, 2012

Page 11 of 15

JUDGE VAN HOOMISSEN: Yeah. Yeah. As far as I can remember, well, first of all, they're terrible cases. I mean the facts are terrible. You've got a mother and a father that very often are using the kids to get at the other one. The kids are just battering rams. But as far as termination I can remember only two cases where it went that far.

NIESJE STEINKRUGER: And you had to make findings in those cases?

JUDGE VAN HOOMISSEN: Yeah.

NIESJE STEINKRUGER: Did you usually do them orally or in writing, what was your practice?

JUDGE VAN HOOMISSEN: Well, most domestic relations cases I would, you know, unless you got into a real fight I'd do it orally. But if you get into a real knock down drag out battle and the kids involved, why I'd do it in writing. You hate to do it in writing because first of all, it takes a lot longer and it's -- we already do enough writing.

NIESJE STEINKRUGER: Tell me about the day-to-day work speaking of it taking a lot longer. Were you -- most days were you in trial or were you in your office? How did you prepare? When did you prepare, those kinds of things?

JUDGE VAN HOOMISSEN: Well, I didn't do much -- I -- some people can come in and they can be studying and reviewing evidence and studying cases and the phone can ring or somebody can come in and they just, you know, they can -- they can take the break and go right back where they are. Well, I can't do that. So I did all my work at night. I came back a lot at night, and it was kind of hard on my secretary because she'd sit around the office all day doing maybe instructions or something, but when she got there in the morning, there was a whole stack of dictation to do. So I did most of it at -- when I was there I was either walking around the courthouse or in court.

NIESJE STEINKRUGER: Wanda says you'd be home for dinner, deal with the kids, and go back, is that right?

JUDGE VAN HOOMISSEN: Yeah, too much, yeah.

KAREN BREWSTER: Yeah I was wondering how that working at night affected your family?

JUDGE VAN HOOMISSEN: Well, it -- I'm sure it did. And, you know, I wish I hadn't of done it as much, but yeah sure it -- I didn't spend as much time with the kids, although it seemed to me we never shut the car off during hockey season. My kids played hockey and the girls were in sports so I, you know, but yeah I did most of my work at night. I always have done that because I can't be interrupted and go back without starting all over again. So that's a bad habit of mine.

KAREN BREWSTER: So when you went to Barrow, what was the schedule? Were you there for a certain amount of time and then you'd come back here?

JUDGE VAN HOOMISSEN: We'd set up a schedule. Usually -- usually you'd take at least a week out of a month and go up. And later on, I think, Hodges had to go up more because the load was getting more. And then you got the North Slope Borough. Once that got organized why they got their own police force and you know they had their own -- their government expanded too, so there was more demands on it than when I was there.

KAREN BREWSTER: Uh-huh. And did you do the same in Bethel? Did you go out and spend time --

JUDGE VAN HOOMISSEN: Yeah.

KAREN BREWSTER: Out there?

Gerald VanHoomissen

Tape 1

May 15, 2012

Page 12 of 15

JUDGE VAN HOOMISSEN: A week a month, yeah. We had -- we had a district -- we had a magistrate there who later became District Judge.

KAREN BREWSTER: Nora Guinn?

JUDGE VAN HOOMISSEN: Nora Guinn, yeah.

NIESJE STEINKRUGER: You were a judge that had pretty close contact with two legends -- Sadie Neakok and Nora Guinn.

JUDGE VAN HOOMISSEN: Yeah. Yeah. Yeah. Sadie was amazing. Well, both of them were. Both of them were.

NIESJE STEINKRUGER: Uh-huh.

JUDGE VAN HOOMISSEN: Yeah.

NIESJE STEINKRUGER: And did you teach Sadie or did Sadie teach you or both?

JUDGE VAN HOOMISSEN: Sadie taught me a lot dealing with -- with the Eskimo people, yeah.

NIESJE STEINKRUGER: What'd she teach you?

JUDGE VAN HOOMISSEN: Well, to first of all to be a little more appreciative of how those people live and their customs for one thing. You know, like one judge wanted the jury there at eight o'clock. Well, nobody is going to get up in Barrow and be any place at eight o'clock. You might as well forget it. So you just -- you had to kind of go with the flow. She taught me that we had to take more breaks when we had a jury, because we had a honey bucket, and they had to be emptied a heck of a lot more when the jury was being impaneled. And furthermore, when we got the courthouse or the Quonset hut, everybody in town found out that -- they'd come over there and use the honey bucket because it was being emptied all the time. So you got to be a little more patient I guess. Which maybe wasn't my strong point, but she helped along those lines. And so did Nora, you know. And they're two different -- two different cultures, too. They're completely different. I mean the way they react to, well, to us -- to our form -- our court system, you know. They -- you can't just sit up there and advise of all their rights. They didn't know what an attorney was, some of them. They didn't know what a constitution was. After a while they became, you know, very knowledgeable, but I tried a case with Vic Carlson out at Point Hope when I was in the DA's office. And geez that was -- Judge Sanders asked me to -- or started advising them of his rights and the guy didn't know what was going on.

NIESJE STEINKRUGER: Did you use interpreters?

JUDGE VAN HOOMISSEN: We didn't then, no. We didn't. But we were using words like your attorney. Your attorney will represent you. You have a right to remain silent and you have a constitutional right to have this attorney. Well, they didn't know what all this stuff meant.

KAREN BREWSTER: So how did you handle that if they didn't understand?

JUDGE VAN HOOMISSEN: Well, they asked -- Judge Sanders asked Vic Carlson to -- to take a shot at it and he didn't -- he didn't do any better than Judge Sanders and so he asked me. And what happened is this kid was breaking into everybody's house up there and they -- they had a storeroom to keep their dog food in. They didn't have a jail. So when they -- when they cornered this guy, they threw the dog food out, and put him in this storeroom until the troopers got there. So I just started yelling at him. I said you know what you did? I said you made these people throw out all their dog food. You understand that? And he understood that and then finally he said yeah I did it before he even got all

Gerald VanHoomissen

Tape 1

May 15, 2012

Page 13 of 15

his rights. So it came out all right, but it was -- the point was is that's the first time that any court or anybody but the troopers had ever been to Wainwright. And it was -- it was a foreign to them. And that's -- that's really why we started going to the Bush.

KAREN BREWSTER: You said Wainwright or Point Hope, which one?

JUDGE VAN HOOMISSEN: That was Wainwright.

KAREN BREWSTER: That was Wainwright, okay.

JUDGE VAN HOOMISSEN: Oh, no, Point Hope, Point Hope, I'm sorry, Point Hope.

KAREN BREWSTER: But once you were on the bench and you were traveling and you said people didn't always understand or it was a new concept?

JUDGE VAN HOOMISSEN: That's when I was in the DA's office. We tried -- after we went to the Bush, we tried cases -- oh, maybe I ought to tell you how this all started.

KAREN BREWSTER: Yeah.

JUDGE VAN HOOMISSEN: The Department of Health and Social Services had a conference set up at Bettles -- or at Minto, and they invited the troopers and they invited Justice Rabinowitz and myself to attend this conference. And what they were concerned about is the troopers would go out. A crime is committed. They'd call in the troopers. The troopers come out. He'd pick up the people, bring them into town. We'd deal with them. Either send them back or send them to jail. Nobody ever knew what we were doing, especially with the children -- with the juveniles and they objected to that. So Rabinowitz -- he couldn't go -- the conference went on for several days and Justice Erwin, Bob Erwin, came up and we'd fly back and forth every day. I flew him out there and we attended that. Anyhow to make a long story short, I said -- suggested to Justice Rabinowitz that, you know, that's -- you've got a case that says these cases should be tried as close to the situs of the crime as possible. And to get a jury of their peers. And I said, you know, that's the -- the problem is we're not going out there. And he was very receptive to it. In fact, he -- this is something he wanted to do, but money and everything else wouldn't admit of it.

NIESJE STEINKRUGER: Let me see if I've got this straight. You and Rabinowitz agreed on something?

JUDGE VAN HOOMISSEN: Yeah, yeah, we did. We agreed on quite a bit. We disagreed on quite a bit, too.

NIESJE STEINKRUGER: That's my memory.

JUDGE VAN HOOMISSEN: But, you know, he was -- he was -- he enjoyed -- he wanted to get out and get into the villages. And anyhow that's how it started. And so he says, you know -- he gave me the go ahead because Art Snowden did not want to do this. The DA's office did not want to send people out. The AG's office didn't want to send. Nobody wanted to go out. And the first trial we had was in Bethel and it was a rape case. And I can't think of the lawyer that was defending it. First of all, we had a lot of other cases where a juvenile appearances in the Bush, but this was the first jury trial. He was a Harvard lawyer, good lawyer, PD's office --

NIESJE STEINKRUGER: Mark Ashburn

JUDGE VAN HOOMISSEN: Mark Ashburn. We tried it in the school and the government class in high school, the teacher let the class attend this trial through the whole trial. And everybody said, you know, you'll never get a conviction. They're not going to convict. Well, they did. They convicted the defendant and we went to talk to the class afterward

Gerald VanHoomissen

Tape 1

May 15, 2012

Page 14 of 15

and they asked us questions about it. And there was one Indian kid he had bright blue eyes, big good looking kid, was sitting there looking at us and looking at us, and finally he raised his hand and he asked John, he said where did you go to school. And John says, "I went to Harvard." And he said, "Well, what the hell you doing out here?" You know. He couldn't understand why -- he had sense enough to know that a lawyer doesn't -- a Harvard lawyer doesn't end up in -- in Bethel, but that's the first time. We've had convictions in Kaltag. We had convictions in well, Fort Yukon. The people -- they're slow to condemn one another in the Native culture. I mean, they don't do it. But once they get fed up, you know, why they'll do the same as we do. They'll convict.

KAREN BREWSTER: So this was what then instigated going to Barrow for court -- this was before all that?

JUDGE VAN HOOMISSEN: Oh, no we went to court before -- no, the Barrow case -- the Barrow was not considered the Bush.

KAREN BREWSTER: Oh, okay.

JUDGE VAN HOOMISSEN: That was not considered the Bush. That was just, but that was after really -- We'd gone to the Bush before we went to Barrow.

KAREN BREWSTER: Okay. So this first case in Bethel --

JUDGE VAN HOOMISSEN: Was in I would say '73 -- '74, '75, somewhere in there.

KAREN BREWSTER: Okay.

NIESJE STEINKRUGER: After you were on the bench you -- some people called you the Flying Judge. You went to a lot of Interior villages.

JUDGE VAN HOOMISSEN: Yeah.

NIESJE STEINKRUGER: What -- what villages do you remember holding court in?

JUDGE VAN HOOMISSEN: All of those that are listed -- now those may be hearings, not necessarily trials.

NIESJE STEINKRUGER: Right.

JUDGE VAN HOOMISSEN: Hearings, but Northway was a -- was a trial, but it was a plea of guilty. It was a juvenile case. A guy -- these three kids burned down this guy's cabin. And I met with the elders there and said, you know, what am I going to do with these kids and they said, well, make them rebuild the cabin. So that was the sentence and I went back. They had a period of time they had to rebuild it. Well, they built it out of sticks. So I said, well, you're either going to build it the way it was or you're going to jail. And they did. And that's the last we ever heard of them from Northway.

NIESJE STEINKRUGER: Did you go back and see it or did the elders tell --

JUDGE VAN HOOMISSEN: No, I went back and seen -- I went back to check on it. I heard I think from the trooper that, you know, they didn't -- they didn't do much of a job. So they did -- they built him a cabin.

KAREN BREWSTER: Before we go on to the other villages, I need to change tape.

JUDGE VAN HOOMISSEN: Okay.

KAREN BREWSTER: If you don't mind.