

INTERVIEW OF GERALD VAN HOOMISSEN

CONDUCTED BY KAREN BREWSTER  
AND NIESJE STEINKRUGER

MAY 15, 2012  
AT RASMUSON LIBRARY IN FAIRBANKS

TAPE 2 - ORAL HISTORY

KAREN BREWSTER: Okay. So we were talking about some of the villages you traveled to and hearings and cases you've heard there.

JUDGE VAN HOOMISSEN: Yeah.

NIESJE STEINKRUGER: Do you remember in Galena the airplanes doing touch and go?

JUDGE VAN HOOMISSEN: Oh, yeah.

NIESJE STEINKRUGER: Tell us about that.

JUDGE VAN HOOMISSEN: The F-4's were -- were out of Galena and every time they take off you'd have to go off the record because they'd make so much noise that they would blot out the record, but that wasn't that big of prob -- they didn't happen that often, but it did happen.

KAREN BREWSTER: It sounds like from your story about Northway you would talk to the Elders about the case?

JUDGE VAN HOOMISSEN: I tried to yeah and we had a very serious rape case at Kaltag and we flew out there. I think -- I don't know whether we took the plea in Kaltag or not, but that's where it happened so we decided the sentencing would be out there. And I talked to the Elders and they all agreed that this guy was a bad guy. They didn't offer anything in the way of the sentence and he was a bad guy and I gave him a substantial sentence and half the village thought I did wonderful and the other half thought it was the worst thing that ever happened because I'd disgraced their village. And that's, you know, that was important to them, but that's the only real -- that was a bad --

KAREN BREWSTER: So how do you respond to that? How do you deal with that?

JUDGE VAN HOOMISSEN: Well I -- how do you respond to it, you -- I explained to those that objected that first of all, you people made the complaint. There were multiple rapes involved over a period of time and, you know, there are certain constraints. I don't think that was a -- that wasn't a presumptive sentencing case. But I took the evidence from or not the evidence but in talking to the Elders with the attorneys by the way, all the attorneys were always present when you do this. It was not on the record talking to them, although some of them did talk during the sentencing procedure. And they said that's what -- that was my judgment that should be -- should be entered and it was no intention to disgrace the village at all. But, you know, that's part of their culture, the village and the family mean an awful lot to the Native people.

KAREN BREWSTER: It sounds like then you had some flexibility to --

JUDGE VAN HOOMISSEN: Oh, yeah.

KAREN BREWSTER: In sentencing with what a village wanted you were able to do that. Now presumptive sentencing my understanding you don't have that flexibility. Talk about that difference.

JUDGE VAN HOOMISSEN: Yeah. I -- well I don't believe in presumptive sentencing so and I'm not a judge any more so I can say what I think about it.

KAREN BREWSTER: And for people who don't know presumptive sentencing is --

JUDGE VAN HOOMISSEN: It's a prescribed sentence for a particular offense.

KAREN BREWSTER: Regardless of what the details of the --

JUDGE VAN HOOMISSEN: Yeah.

KAREN BREWSTER: Case might be.

JUDGE VAN HOOMISSEN: And in criminal law, there's no -- there's no law -- part of law that where mitigating circumstances and aggravating circumstances should be taken into account as in criminal law. That's my opinion and the attack against that theory is that sentences are too disparate. Well the disparities - the disparate sentences in my opinion are a reflection of the discretion that the judge should have that's hearing the case, you know. It isn't a matter of being a hanging judge. It's -- that's worse yet, but well anyhow that's -- I'm not going to be influential in changing the law on that so.

KAREN BREWSTER: It's interesting to hear the differences of opinions though, how different judges feel about that.

JUDGE VAN HOOMISSEN: Well it makes it easy on the judge because he doesn't have to think.

NIESJE STEINKRUGER: If you have presumptive sentencing?

JUDGE VAN HOOMISSEN: If you have presumptive sentence, yeah. You just, you know, check it off and that's I don't think what you're paid for. I mean why don't a clerk do that.

KAREN BREWSTER: Well especially as you say your example in the village where the village -- the village Elders in the community might have feelings about the case --

JUDGE VAN HOOMISSEN: Yeah they always have feelings. They always have feelings. And -- and like that cabin, if I'd have put those guys in jail, the old fellow would never have gotten his cabin. The kids wouldn't have learned anything. It wouldn't have helped the village and I didn't dream that up. They dreamed it up and they came up with it and they were satisfied with it. And I'm not saying that every sentence I ever passed in the vill -- in the villages was accepted as well as that one because they aren't always.

NIESJE STEINKRUGER: I went to Beaver with you --

JUDGE VAN HOOMISSEN: I can't remember what that case was about. I remember going up there.

NIESJE STEINKRUGER: And it was presumptive --

JUDGE VAN HOOMISSEN: Yeah.

NIESJE STEINKRUGER: Sentence. I think it was a plea.

JUDGE VAN HOOMISSEN: Yeah, it wasn't a trial.

NIESJE STEINKRUGER: And there were a lot of letters from village people and I recall you required us, as you did, to go to Beaver because you wanted to explain to the village that you had no discretion. Do you recall any of that?

JUDGE VAN HOOMISSEN: I wouldn't think that I would go to the village for that purpose, but I recall going up there and I think they had a forest fire up there close to that village at the time, yeah. I can't remember the case.

KAREN BREWSTER: And Niesje, you were an attorney on that case?

NIESJE STEINKRUGER: I was.

JUDGE VAN HOOMISSEN: Yeah, you were.

NIESJE STEINKRUGER: But it was hard to, I -- my recollection it was a time when you felt you had to explain that you couldn't take into account what they wanted you to take into account.

JUDGE VAN HOOMISSEN: Well it may be, you know --

NIESJE STEINKRUGER: Because a law had changed.

JUDGE VAN HOOMISSEN: It could be. I -- my memory has faded a little bit in that period of time.

KAREN BREWSTER: Can you talk about when you would go into a village like this what would you -- you would fly your own plane?

JUDGE VAN HOOMISSEN: Well I -- we -- yes. I got permission to fly my own plane, we were chartering, but that was expensive because you had -- the charter pilot would fly you in and if you're there all day, he is sitting there charge -- running up the bill. It was getting expensive. I charged for fuel and that's it and no maintenance or anything because I like to fly, but they decided after a while that we can't do this. So I says okay, fine, so we went back to chartering. Well, we chartered for a little while and they decided that it wasn't -- it was all right to fly my own plane so -- because it was expensive. Going to the Bush was not cheap.

KAREN BREWSTER: Well who all went? It wasn't just you.

JUDGE VAN HOOMISSEN: No, usually I had -- usually had both attorneys, sometimes a corrections officer and a clerk. So, you know --

NIESJE STEINKRUGER: What was the Bush kit?

JUDGE VAN HOOMISSEN: Oh, we had a -- what kind of a recorder? We had a -- I think we had that doggone wide tape for a little while.

KAREN BREWSTER: The SoundScriber?

JUDGE VAN HOOMISSEN: Yeah.

NIESJE STEINKRUGER: Uh-huh.

JUDGE VAN HOOMISSEN: What did we have? I can't remember. Because in Minto we tried that case outside on a log and I don't know, but we had -- we had recording equipment. Everything was recorded.

NIESJE STEINKRUGER: Uh-huh. Take along.

JUDGE VAN HOOMISSEN: Yeah.

KAREN BREWSTER: And then Niesje you were saying how you'd go and what was sort of the procedure once you got there? How you set up your operation or who went to talk to whom?

JUDGE VAN HOOMISSEN: Well, usually they knew we were coming. We gave them notice we were coming. And they had either a school, at Wainwright we used the church, the Presbyterian Church. At Eagle, I used Judge Wickersham's court for a juvenile case. We had -- there was --

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JUDGE VAN HOOMISSEN: Huh?

NIESJE STEINKRUGER: Did you go to Venetie?

JUDGE VAN HOOMISSEN: I went to Venetie, but I don't think I handled court up there. I --

KAREN BREWSTER: So you'd have --

JUDGE VAN HOOMISSEN: Oh, yes I did. I went up -- yeah, one time there was a juvenile hearing up there, yeah.

NIESJE STEINKRUGER: And my recollection is that after we'd get there you'd go and --

JUDGE VAN HOOMISSEN: Yeah.

NIESJE STEINKRUGER: Talk to people or drink coffee, but it was the attorneys' job to round up --

JUDGE VAN HOOMISSEN: I'd go play cards with Sonya and you people would go off and talk to your clients. And then sometimes we would talk to the Elders, sometimes we wouldn't, sometimes they invited us, sometimes we asked them. At -- at Anaktuvuk we had to go up there several times and the kit -- I went over to the school to talk to the principal and there were no kids in school. And geez they got this big fancy school and I asked them I said where are they? He said they're home in bed because one of the local merchants in Fairbanks put an arcade in there and they playing in that arcade until the middle of the night and when the teachers come to school, they'd go home and go to bed. So, you know, we were talking about that because eventually I took this kid out of the village and brought him in because I wanted to leave him there, but he was raising Cain, so we went back up and I couldn't believe it, I've never seen -- the first time I was ever in Anaktuvuk, I had engine trouble and I had to land there because my plane was running rough. We were up hunting on the Colville. It was a terrible strip and it was years later that we had this case and I said well I'm not taking my plane up to Anaktuvuk, so I rented one from Al Wright. And I come around the corner and here's an airstrip I could have landed sideways in the thing, it was a huge airstrip. And the cop picked us up at the airport, drove us about a hundred yards to his -- his cop shop. I've never seen so much radio equipment. He had a Suburban with a big visabar on the top and the sirens all over the thing. That was LEAA money.

KAREN BREWSTER: And he was a North Slope Borough police officer?

JUDGE VAN HOOMISSEN: He was a North Slope Borough police officer from Oakland, California, yeah.

NIESJE STEINKRUGER: When you would go on a child abuse or a neglect case, it -- there were a group of lawyers.

JUDGE VAN HOOMISSEN: Yeah.

NIESJE STEINKRUGER: Because you had sometimes four or five, didn't you?

JUDGE VAN HOOMISSEN: No, I don't think so.

NIESJE STEINKRUGER: The AG.

JUDGE VAN HOOMISSEN: We had the AG.

NIESJE STEINKRUGER: Mom's, Dad's.

JUDGE VAN HOOMISSEN: Oh, yeah.

NIESJE STEINKRUGER: The guardian ad litem.

JUDGE VAN HOOMISSEN: Yeah. They'd have to come in, you know, I didn't have a DC-3. They'd have to come in on their own. Usually I always had -- usually had both attorneys.

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If there were more than that, why they got together and -- usually had a corrections officer.

NIESJE STEINKRUGER: Did you ever transport the defendant?

JUDGE VAN HOOMISSEN: On that trip from Anaktuvuk I did, yeah. I kept telling him I said, you know, next time I come up here you bring your toothbrush. So we let him go home and get it and I brought him in. That's the only time.

KAREN BREWSTER: Did you have to spend the night in the villages and if so, where did you sleep?

JUDGE VAN HOOMISSEN: Well, it -- generally no. Generally no, but at Northway I stayed at Tok or not Northway, but Tanacross I stayed at Tok. Bethel I stayed in Bethel. Galena I stayed in Galena.

NIESJE STEINKRUGER: Fort Yukon?

JUDGE VAN HOOMISSEN: Fort Yukon I stayed in Fort Yukon.

NIESJE STEINKRUGER: Where would you sleep in Fort Yukon?

JUDGE VAN HOOMISSEN: Where in the heck -- I usually -- where in the heck did I sleep?

NIESJE STEINKRUGER: Because the attorneys slept at the courthouse.

JUDGE VAN HOOMISSEN: Oh, I slept in the courthouse a few times.

KAREN BREWSTER: Did you sleep on the floor in an office or in the school?

JUDGE VAN HOOMISSEN: Yeah. At Bethel I slept in the courthouse. Barrow I stayed at Palmain (phonetic). Well sometimes I stayed at June's place down there, the hotel and I stayed a couple of times if the troopers were not involved, I'd stay with the troopers. On the juvenile cases usually they weren't -- they weren't involved.

KAREN BREWSTER: So if they were involved, you couldn't stay with them --

JUDGE VAN HOOMISSEN: Well --

KAREN BREWSTER: Because of conflict?

JUDGE VAN HOOMISSEN: I did and it -- somebody made a complaint, so I figured I better not do that. Actually I used to play cards with the attorneys and somebody made a complaint about that down at -- at Tok and so I figured well better not do that anymore either so.

KAREN BREWSTER: Yeah, when you're in the court in Fairbanks or Anchorage, you are separated from --

JUDGE VAN HOOMISSEN: Yeah.

KAREN BREWSTER: Attorneys and law enforcement --

JUDGE VAN HOOMISSEN: Yeah.

KAREN BREWSTER: And if you're on a trip in the village, I guess people could think there might be a conflict of interest?

JUDGE VAN HOOMISSEN: Well, yeah, you know, it does -- we never talked about -- we're playing cards, playing poker or something.

NIESJE STEINKRUGER: Well, in Fort Yukon there was a period of time, wasn't there, where we stayed -- there was a hotel because we'd all eat breakfast together.

JUDGE VAN HOOMISSEN: June's, yeah.

NIESJE STEINKRUGER: Yeah.

JUDGE VAN HOOMISSEN: June Hardy.

NIESJE STEINKRUGER: Burned down.

JUDGE VAN HOOMISSEN: Yeah.

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NIESJE STEINKRUGER: But, you know, we'd all have our separate rooms --

JUDGE VAN HOOMISSEN: Everybody, you know, almost all the attorneys and everybody involved in the case would stay together. In Wainwright I stayed in a Native family. I can't remember the guy's name.

NIESJE STEINKRUGER: How did you get jurors in the villages where you did trials?

JUDGE VAN HOOMISSEN: Well you would --

NIESJE STEINKRUGER: Or in Barrow?

JUDGE VAN HOOMISSEN: Well, in Bethel we got the jurors from Bethel came mainly -- or from Galena, I mean, came from Galena, Ruby and I think we brought in some from Huslia and Hughes. Fort Yukon came almost all from Fort Yukon or Arctic Village or Chalkyitsik.

KAREN BREWSTER: Do you know how they were selected? Was there a roster of registered voters, is that how it was done?

JUDGE VAN HOOMISSEN: I don't know how they were selected. It's -- they had a -- they had a list somewhere from the court system and Anchorage handled all that.

NIESJE STEINKRUGER: How about jury selection? Were there differences in selecting the jury in the villages and in Fairbanks?

JUDGE VAN HOOMISSEN: Oh, yeah, yeah. It -- the questioning was more about relationships because everybody is related, you know, or if they're not related, everybody knows everybody else and everybody knows all about the crime, so, but we didn't have too much trouble getting jurors.

NIESJE STEINKRUGER: Did you ever run out of jurors and have to get more?

JUDGE VAN HOOMISSEN: In Barrow.

NIESJE STEINKRUGER: And so what would you do?

JUDGE VAN HOOMISSEN: Go out in the street.

NIESJE STEINKRUGER: Who would go?

JUDGE VAN HOOMISSEN: Troopers. Troopers would go. That only happened one time I think that I know of.

KAREN BREWSTER: How would you handle a situation in a village that's small that everybody already knows about the case? How do you get an unbiased jury?

JUDGE VAN HOOMISSEN: You ask them and rely on what they tell you. And I think -- I think they did a good job in the jury in the villages. I don't think there was -- they're probably more reluctant to convict people they know, but sometimes the trial itself was enough sanction for the perpetrator, you know. Yeah, I don't -- there was not a lot of problem.

KAREN BREWSTER: Nowadays it seems they are very anxious to move a case to another jurisdiction because of fear of bias jury.

JUDGE VAN HOOMISSEN: Well yeah, yeah.

KAREN BREWSTER: Sounds like that wasn't as much of an issue.

JUDGE VAN HOOMISSEN: Uh-uh. Uh-uh. I don't -- I don't think -- I can't remember any time we did that. We would have done it in Fairbanks, but not in the Bush.

NIESJE STEINKRUGER: You loved to fly and that was a motivator for you going to --

JUDGE VAN HOOMISSEN: Part of it, yeah.

NIESJE STEINKRUGER: Rural Alaska.

JUDGE VAN HOOMISSEN: Well --

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NIESJE STEINKRUGER: But it's -- it's physically and emotionally draining to do that work, isn't it?

JUDGE VAN HOOMISSEN: Well yeah I guess so, but I picture myself as a judge in Multnomah County in Oregon and that would be boring as watching paint dry I think, you know. It was -- it was kind of exciting for me and I was going to the Bush before I was able to fly to the Bush. So, you know, it was -- it was a chance to see Alaska and I just -- I think I've seen more of Alaska than a lot of people who have lived here all of their lives and I enjoyed it and I think it's a -- I think it's kind of a shame we have drawn back from that.

KAREN BREWSTER: Can you talk about --

JUDGE VAN HOOMISSEN: Money is a problem.

KAREN BREWSTER: I was going to say -- could you talk a little bit about that now court doesn't go to the villages, the village comes to the town.

JUDGE VAN HOOMISSEN: That's my understanding. I don't know that, but from -- I -- in talking -- well in talking to Niesje and some of the retired troopers that I know, they just don't do it now the way they used to. They were reluctant -- they weren't happy doing it when I was doing it.

NIESJE STEINKRUGER: Talk about how it happens. I mean the judge is the leader, right?

JUDGE VAN HOOMISSEN: Well he's -- yeah he's the instigator, yeah.

NIESJE STEINKRUGER: And --

JUDGE VAN HOOMISSEN: The troopers were very much in favor of it. Because, you know, they -- they were in and out of the village and they had probably the closest contact, continuing contact with the village because of their job, but they weren't against it.

NIESJE STEINKRUGER: But how do you get lawyers blasted out?

JUDGE VAN HOOMISSEN: You tell them. You had some power then and I don't know that you still have that power, but, you know, you're representing a client. We're going to try that client and you better be there where the trial is. And it -- you got an awful lot of input from the people in the village as to what to do. I mean I think I'd have put a lot more people in jail if I was sitting in Fairbanks listening to the case and not talking to the people that were involved that were the victims of these things. You know, they weren't anxious to throw everybody in jail and they weren't reluctant if it was somebody they couldn't deal with.

NIESJE STEINKRUGER: What about in family cases when you would go to the village would you get -- I'm talking about usually child abuse or neglect in juvenile cases, did you get input from other parts of the family or the village as a result of going?

JUDGE VAN HOOMISSEN: Well, reluctantly because unlike those of us that are in the White community we don't have any problem of sticking our nose into anybody's business. The Native people don't like to do that and that's why you have gotten a lot of these custody cases, you've got grandma and grandpa, aunts and uncles that are there to -- to kind of take over if the parents are drunk and that kind of stuff. So you try -- you're not -- you're talking about neglect and generally they don't like to talk about that and I didn't get into it much with them. If it was a criminal act and I had to pass sentence, I would talk to them and they'd give you suggestions. But they -- this idea of that I mentioned about disgracing the village, that's important to them and they all have to live together in that village, so they don't like to stick their nose into other people's business.

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NIESJE STEINKRUGER: You were presiding judge for off and on for a couple periods of time, right?

JUDGE VAN HOOMISSEN: Yeah, 12 of 16 years.

NIESJE STEINKRUGER: And so you were in charge of hiring magistrates both in the Bethel area villages and in Interior, right?

JUDGE VAN HOOMISSEN: Yeah. Not so much in -- I hired the magistrate in Aniak, but generally I didn't interfere too much down there.

NIESJE STEINKRUGER: What was your -- what were you looking for in rural magistrates?

JUDGE VAN HOOMISSEN: First of all, somebody that'd go there and secondly, somebody preferably who had some contact with the village or with the rural area and somebody who had some, you know, reasonable judgment.

KAREN BREWSTER: Did they have to have a legal background?

JUDGE VAN HOOMISSEN: No. No and they did very well. They acquainted themselves with the statutes and in the areas that they worked I thought they did a tremendous job. We had a magistrate at Tok. We had a magistrate Fort Yukon. We had a magistrate at -- I got to quit pounding on that. A magistrate at Nenana, at Tanana, at --

NIESJE STEINKRUGER: Galena.

JUDGE VAN HOOMISSEN: Galena and at Rampart.

NIESJE STEINKRUGER: That's a lot of magistrates.

JUDGE VAN HOOMISSEN: Yeah. Yeah and we had one at Healy. The magistrate at Rampart, Art called me up and said, you know, this guy doesn't do anything up there and you're going to have to let him go. So Pat and I flew up and we were going to tell him, you know, we are going to close this magistrate post down. Well, his name was Harry Havrilack. He was an Otis Elevator engineer and he got what do they call consumption or whatever it was and they said go -- go west. He ended up in Rampart. He had the most perfect little courthouse you've ever seen and he had his desk, he had his files, he had his flag, state flag, the American flag, nicest guy in the world and I said Harry, you know, what do you do? Well he says I just handle marital disputes. So I asked the trooper, I said, you know, this -- do you ever bring any cases to this guy. He said no. He says the village don't want him to do anything but marital disputes. So we were going to fire him. Well, we found out he had been there long enough so we got him a retirement and got him out. He had -- he was a good friend of Hugh Connelly's. He had one of the most productive gold mines in that whole area and he had Mason jars full of gold nuggets all over that place. Now Rampart was not a real nice village, you know, it -- I'd gone up there several times on cases and I didn't even know Harry was there and he had no relatives. And I told Judge Connelly I said geez I said you better go talk to him and -- because somebody is going to break in there and find out he's got that gold and I guess Hugh went up and talked to him and got him to put it in a safe-deposit box. But he -- I took my wife up there one time and we just went to visit him and had coffee with him and he gave her a set of gold earrings and stuff, you know. He was a great guy, but he just -- the village would have nothing to do -- and I said okay I said they didn't want us to take him out. I said okay that's fine I says well we'll station a trooper here and they didn't want any part of that. So we had to close it, but.

KAREN BREWSTER: So what is the relationship like between the magistrates and the judge? How does that work?

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JUDGE VAN HOOMISSEN: Well they're -- they're -- they handle misdemeanor cases and their -- they serve at the -- at the pleasure of the -- of the judges. I -- I have a -- very impressed with -- with the work that those guys do and, you know, if there is a marital dispute or something, the first -- the first people that the village go to is -- is the magistrate. We've had law trained ones. We had one in -- in Delta for a while. He didn't stay there very long. I can't think of any others.

NIESJE STEINKRUGER: Would they call you with questions, the magistrates?

JUDGE VAN HOOMISSEN: Yeah, they would sometimes, yeah, but usually it -- after a while the court system set up formal training for them. You know, for a while there we just gave them a set of books and sent them out there, but they set up formal training for them and I had -- I had the magistrates in on one occasion and I had the coroner talk to them and had the area court administrator talk to them and then we met and they could ask questions of all the judges and -- and one of the -- Susan Miller, do you know her?

NIESJE STEINKRUGER: Uh-huh.

JUDGE VAN HOOMISSEN: She objected highly to that and Art said you can't do that and fortunately the chief justice said you sure can do that, so and it was good.

NIESJE STEINKRUGER: So there wasn't --

JUDGE VAN HOOMISSEN: First of all, they got together and got to know each other these people never really got to see each other. Later on the court system had and I don't know whether it was annual meetings or -- but they had a judicial conference kind of like ours, so it was -- it was a lot better.

NIESJE STEINKRUGER: What do you think about Alaska's system for selecting judges?

JUDGE VAN HOOMISSEN: I think it's good. I -- I would never be a judge if I had to run against a candidate. I think it's an excellent system. I have --

NIESJE STEINKRUGER: What do you mean you would never be a judge? Why would you never be a judge?

JUDGE VAN HOOMISSEN: Well you've got -- you've got to get money. You've got to get a campaign going. You have to -- you're going to have to get people to support you and consequently you're going to be owing those people something. I practiced in Oregon and we had good judges. It seemed to work fine down there, but I would -- I am not politically inclined and I just -- I wouldn't be a judge under that system. Our system works well. The objection I have to it is the Judicial Council seems to be more involved in the selection than they should be. In other words, they're required or in my opinion to send up all qualified candidates and the responsibility for appointment is the governor. And it seems to me that they're weeding out obviously qualified candidates that don't get to the governor for his consideration. I think the system's good, but I think the Council is a little more restricted than they should be. That's my opinion, you know, and a lot of people will disagree with that too, which is -- but I think everybody is entitled in my opinion, so.

NIESJE STEINKRUGER: Do you think the selection processes had any effect in obtaining diversity on the bench, racial, gender, experience? Have you seen changes?

JUDGE VAN HOOMISSEN: I don't know that that it has. I don't know. We got any Native judges here? Have we got any colored judges? I don't think we do, but they -- you know you can apply. You don't have to be -- we have more women judges, you know, and I

think that's true nationally. Why I think it's true in law schools, but I don't think it does anything for diversity.

NIESJE STEINKRUGER: What was -- if you had to think of your most fun case, what was the most fun case?

JUDGE VAN HOOMISSEN: I don't know. I -- I -- there has been a lot of them that were kind of funny from time to time. I just can't think of one.

KAREN BREWSTER: How about a favorite case? Do you have a favorite case?

JUDGE VAN HOOMISSEN: Well, the one I was -- there's -- yeah, there's one case that I'm not proud of and there's one case that I thought I did very well with and that was the Barrow airport case. That was a case that was tried to me and, of course, it was not tried with a jury, so I had to make findings. And I got very sick in the middle of it, so we had to recess it and it went on for seventeen days and I did the findings on it and Burt, no, no, not -- well I can't think of his name anyhow. I did the findings and I did a lot of work on the findings because --

NIESJE STEINKRUGER: Explain to us what findings are because most --

JUDGE VAN HOOMISSEN: Well, you have findings of fact and conclusions of law, in other words, you have to lay out the facts that are supported by the evidence in order to come to the conclusion you come to. And if they don't add up to that conclusion, you're subject to reversal. But anyhow I made it and I annotated all the findings to the specific evidence in the record and it was -- it was one of the first cases I handled and, of course, I was a little more careful with it I guess than -- because I spent an awful lot of time on it and, of course, they threatened appeal because the state got hit with -- with a tremendous verdict on the thing.

NIESJE STEINKRUGER: Did you handwrite your findings?

JUDGE VAN HOOMISSEN: I did yeah but then you know they're dictated.

NIESJE STEINKRUGER: Uh-huh.

JUDGE VAN HOOMISSEN: And anyhow I -- I was waiting for that case to go up on appeal and they didn't. They settled it within about three or four days after the findings came back so kind of burned me up a little bit because I wanted to see how I was doing. But the other one was an airport or an aircraft case. The Parrish brothers tried it. A fellow was looking for a 206. He found one in -- somewhere back -- in Chicago and he called the guy and he says this was the early -- there were three Chicago policemen that ran this aircraft sales and maintenance business and they told him he said the plane is sitting outside, it looks beautiful, but it's not my plane. We don't own it. I've got it here on consignment and you can take a look at it if you want. The guy came out and looked at it and got the books off of it.

NIESJE STEINKRUGER: Where was the plane?

JUDGE VAN HOOMISSEN: In Chicago.

NIESJE STEINKRUGER: Uh-huh.

JUDGE VAN HOOMISSEN: And he went back home and called the guy and says I'll take it and the guy says well I'll fly it up to you if you want, just pay for the gas. So one of the cops flew it up and landed here at Fairbanks and he says it used two quarts of oil coming up. Well, this guy bought it, but before he bought it he had two different mechanics do pre-flights on it, two completely and they went through the whole works. And the guy flew it to Fort Yukon come back and there was oil all over the thing. They took the

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engine down and they found out that the guy who had overhauled the engine used a sealant between the cases. You don't use a sealant, you use a silk thread. That's the only seal you use between the cases on these engines. All the bearings were burned and everything else. Well, to make a long story short the fellow that bought it sued the cops because the mechanic that did the work was out of business and he was judgment free. And the Parrish boys came up with a case out of Oregon where the federal court said that any repair to an aircraft anywhere along the line no matter how many owners there were was the responsibility of the last owner because it should be in the books. And I went along with that and that was a bad decision. It was a bad decision because I did not have to follow federal law on that.

NIESJE STEINKRUGER: Did it go up on appeal?

JUDGE VAN HOOMISSEN: No, it didn't.

KAREN BREWSTER: So why was it a bad decision --

JUDGE VAN HOOMISSEN: Well because --

KAREN BREWSTER: of the consequences?

JUDGE VAN HOOMISSEN: These cops made no misrepresentations at all, absolutely none. They flew it up for the guy. He had his two different mechanics do complete pre-flights on it and they didn't discover it. The only way they would discover is probably is if they'd of torn it down. The mechanic that did it back there -- these cops didn't make any representations that were false at all.

NIESJE STEINKRUGER: After you retired, you built an airplane?

JUDGE VAN HOOMISSEN: Yeah.

NIESJE STEINKRUGER: Tell me about that.

JUDGE VAN HOOMISSEN: Well I -- I -- I ground looped the 180 because I hadn't been flying. I was in a wheelchair for a year and I was -- I had a bunch of operations and I hadn't been flying so I didn't react as quickly or as -- as instinctively as I would have as if I had been flying. Anyhow to make a long story short I wanted another airplane. Repairing a certified airplane is, you know, it costs way more than you can justify. So I started looking around and I -- I got a plane out of Chilliwack, Canada. My wife and I went up and picked up the parts. I went back and I started putting it together. It had 37,000 rivets in it. I didn't count them, but somebody did and it wore out my shoulder. I had to have my shoulder replaced again, but I flew it and it flew great. It was a great airplane in the air. It was terrible airplane on the ground.

KAREN BREWSTER: What kind of a plane was it?

JUDGE VAN HOOMISSEN: It was a Murphy Elite. It was an all metal, high wing, looked like a little 180 and it -- we screwed it up on the ground loop on that because on the ground it was a terrible -- I was going to put it on floats and it would have been a great plane on floats, but anyhow I was going to rebuild it and my wife suggested that it would break up a happy home if I spent four more years working on that airplane, so I sold it.

NIESJE STEINKRUGER: You're kind of the bionic guy right? When you were still --

JUDGE VAN HOOMISSEN: Yeah.

NIESJE STEINKRUGER: On the bench you had your hips.

JUDGE VAN HOOMISSEN: Yeah, I had both hips. I've had 13 operations on my hips and shoulders.

NIESJE STEINKRUGER: Uh-huh.

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KAREN BREWSTER: Any plane crashes that were the cause of this?

JUDGE VAN HOOMISSEN: No, no not all plane crashes, no, no. I don't know what happened. I had a compression fracture in my back when I was working in the woods in college and every once in a while it would act up, not very often, but when it did I -- the doctor usually put me in the hospital. I'd go in traction overnight and that was the end of the it. And Vrablik was -- my doctor was out of town, Vrablik was handling it and I got out and he called my doctor and says you better have this guy come in and take an X-ray of his lower back. So I did and he said -- I said what for. I said everything is fine. I went sheep hunting the week before I did this and he says you got aseptic necrosis. I said well, okay, you know, fix it. He said you don't fix it. So it didn't hurt at all and about a month later it started hurting and then that's when it started going to pieces.

KAREN BREWSTER: You had mentioned this bad decision case. There may have been other ones that you made that went to appeal and what does that --

JUDGE VAN HOOMISSEN: Oh, yeah.

KAREN BREWSTER: Feel like to have a case you have decided on go up for appeal?

JUDGE VAN HOOMISSEN: Well, most of the cases I went -- that were appealed were criminal cases. And like I say everybody is entitled to my own opinion and I have my opinion of them and I think in many cases, and I can think of one that the court of appeals was just all wet on.

NIESJE STEINKRUGER: What would happen on Fridays?

JUDGE VAN HOOMISSEN: On Friday?

NIESJE STEINKRUGER: Yeah, on Fridays?

JUDGE VAN HOOMISSEN: Oh, when the decisions come down?

NIESJE STEINKRUGER: Uh-huh.

JUDGE VAN HOOMISSEN: Well I'd discuss them with Judge Rabinowitz.

NIESJE STEINKRUGER: Kind of a reputation for being able to hear you moving from the superior court to the Supreme Court?

JUDGE VAN HOOMISSEN: Well --

NIESJE STEINKRUGER: Into his office?

JUDGE VAN HOOMISSEN: Yeah. I -- I don't think I would have taken that if I were the supreme court justice, but he did and we were -- we were very good friends, but, you know, I have a tendency to express my opinion on some of his decisions.

NIESJE STEINKRUGER: What's the one that you think they wrong --

JUDGE VAN HOOMISSEN: Juneby.

NIESJE STEINKRUGER: Yes.

JUDGE VAN HOOMISSEN: Juneby.

NIESJE STEINKRUGER: Tell us about --

JUDGE VAN HOOMISSEN: Terrible case.

KAREN BREWSTER: Tell us about that.

NIESJE STEINKRUGER: Yes.

JUDGE VAN HOOMISSEN: Oh, I'd rather not. I -- it was a rape case. It was a very, very serious rape case with an attempted murder involved in it.

NIESJE STEINKRUGER: Home invasion wasn't it?

JUDGE VAN HOOMISSEN: Home invasion.

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JUDGE VAN HOOMISSEN: Yes, no in here, right up here.

KAREN BREWSTER: Oh, here in Fairbanks.

JUDGE VAN HOOMISSEN: And I gave the guy 45 years because it was a terrible case. This guy was a former village police officer so he had some training. The -- the rape was committed over a washing machine, one of these automatic washing machines where he was going to put the gal's head in the thing and turn it on and tried to kill her. And I gave him a substantial sentence and I thought I made findings and the court of appeals came down and said that violence is an integral part of a rape case and therefore can't be taken into account to enhance the sentence. Well, I -- they -- I said I'm not going to change the sentence and they said well you're going to jail if you don't. And in the meantime the supreme court came down on another case -- another case, an indicta, which is not binding in the decision in that case said we object to the decision of the court of appeals. So it came down to me again and I said you're going to have to get somebody else to sentence this guy because I can't change it. And finally -- finally, I guess they did. I don't know whether I did or not, but that was a bad decision on the part of the court of appeals.

NIESJE STEINKRUGER: And --

JUDGE VAN HOOMISSEN: The gal -- Meg Greene was the one that argued it and she even admitted that. No, that was a terrible -- we were having dinner -- I probably shouldn't get into this -- with one of the judges that sat on that case on the court of appeals, Jim Singleton, and Charlie Tunley brought it up.

NIESJE STEINKRUGER: Is this in Arizona --

JUDGE VAN HOOMISSEN: In Arizona.

NIESJE STEINKRUGER: Where you guys were altogether?

JUDGE VAN HOOMISSEN: Yeah. Yeah.

KAREN BREWSTER: This is now years later?

JUDGE VAN HOOMISSEN: This is years later. Yeah, that's not part of the -- it's part of the interview anyhow. It was a fun dinner.

NIESJE STEINKRUGER: You got to tell Singleton?

JUDGE VAN HOOMISSEN: Oh, I told him yeah, yeah.

NIESJE STEINKRUGER: Well, in the Juneby case became what we called a benchmark --

JUDGE VAN HOOMISSEN: Oh, that was a terrible decision and the other -- there was one other one.

NIESJE STEINKRUGER: -- for years.

JUDGE VAN HOOMISSEN: Where the guy beat the girl to death with -- or beat the girl and raped her with a fireplace poker. Remember that one?

NIESJE STEINKRUGER: I do.

JUDGE VAN HOOMISSEN: And I gave the guy a substantial sentence. He felt her pulse to see if she was dead. Well she wasn't dead, but she was -- her face was permanently disfigured. She was blind in one eye and they reversed that one, too. That's the one where I said I wish I had the power to sentence your mother along with you because the mother was out drinking with this kid. Yeah, that was a bad case.

KAREN BREWSTER: So were you known as a tough sentencing judge or --

JUDGE VAN HOOMISSEN: I don't think so. Well no and I -- I would not like to be known as a tough sentencing judge. I gave a lot of suspended impositions of sentence. If the guy violated his parole or his probation then I guess I was a tough judge. I figured he's given a

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chance. He's explained what can happen if he does violate his parole and if he goes ahead and does it that's other than a technical thing, he usually served the unexpired portion of his sentence. So in that respect I guess, you know, second chances -- the first chance is the one that counts and a lot of times these guys would never come back. You know, they did straighten out or I don't know they didn't get in trouble. Whether they straightened out or not I don't know but -- and I did not -- I did not usually change sentences. After the fellow's sentenced and he's up for parole or probation or asks for an early sentence -- early discharge, the corrections officer will write to you and ask you what your opinion is and I usually just tell him, you know, refer to the record when he was sentenced because I don't, you know, you don't know these guys. I still get nervous when somebody comes up and says I know you, you were the judge and I thought oh geez here we go. But I had one in Fort Yukon -- was that with you? I was walking down from the courthouse with one of the attorneys and this guy pops up out of the woods and says, hey Judge Taylor. He said Judge Taylor he says can I borrow ten bucks? And I can't remember who was with me but anyhow I said, you know, this isn't Judge Taylor. This is Judge Van Hoomissen and the guy says oh, shitten, and heads off into the -- so I must have had him in court at sometime or another.

KAREN BREWSTER: Is there some way you would like to be remembered or what you think as your contributions?

JUDGE VAN HOOMISSEN: Oh, I don't know. You know that's pretty hard to answer.

NIESJE STEINKRUGER: Well why don't you read for us this list? Will you read it?

KAREN BREWSTER: Everywhere you've been in Alaska.

JUDGE VAN HOOMISSEN: Oh, this isn't everywhere I've been in Alaska --

KAREN BREWSTER: Well everywhere you --

JUDGE VAN HOOMISSEN: This is just the court system.

NIESJE STEINKRUGER: This isn't hunting. This is just court work.

KAREN BREWSTER: Your court work in Alaska.

NIESJE STEINKRUGER: Uh-huh.

JUDGE VAN HOOMISSEN: You want me to read it, huh?

NIESJE STEINKRUGER: I do.

JUDGE VAN HOOMISSEN: Okay. Northway, Lake Minchumina, Healy, Dot Lake, Tok, Teslin Village, Manley Hot Springs. Manley Hot Springs was -- that was DA and Lake Minchumina was DA.

NIESJE STEINKRUGER: What'd you do in Manley Hot Springs? Mining case?

JUDGE VAN HOOMISSEN: No, what was it? God, I can't remember what it was.

NIESJE STEINKRUGER: Did you have court at the hot springs?

JUDGE VAN HOOMISSEN: No, that wasn't court, that was DA and it was an investigation with the troopers over something and I don't know.

NIESJE STEINKRUGER: Okay.

JUDGE VAN HOOMISSEN: Lake Minchumina was a land dispute and the locals were firing at each other over one of the judges declared a trail between the Kuskokwim and Minchumina as a public road. And this guy built his cabin right in the middle of this public road. Anyhow that's what that was for. Nenana, Delta, Chicken. Chicken was an investigation as DA for a prosecution on a mining claim. Eagle, juvenile. Tanana, both juvenile and criminal. Minto, I think just juvenile. Bethel, both. Tuntutuliak that was -- I

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haven't marked it here, but that was a visitation for the purpose of putting in a magistrate. Toksook Bay the same, that was magistrate visit. Mekoryuk was a magistrate visit. Hooper Bay, I can't remember. I think that was on the magistrate visit trip. Aniak, Mountain Village that was DA. Scammon Bay that was a magistrate visit. Emmonak was a magistrate. Nome was both. Kaltag was criminal and juvenile. Nulato -- you went down to Nulato with me. That was a juvenile I think, wasn't it?

NIESJE STEINKRUGER: I think it was child in need of aid case.

JUDGE VAN HOOMISSEN: Yeah, it could be. Galena. Koyukuk. Huslia. Point Hope that was DA. Wainwright. Barrow. Rampart. Sagwon was DA. Anaktuvuk was juvenile. Fort Yukon both. Birch Creek was a stabbing case. Chalkyitsik that was both, I think. We didn't have a trial there. Those were sentencing and juvenile proceedings. A lot of these I didn't have trials in. Arctic Village, we were requested to go up there for some reason. Beaver. Kaktovik and that's about it. That's all -- I had to go look at the map because I couldn't remember all these places.

KAREN BREWSTER: Anaktuvuk Pass.

JUDGE VAN HOOMISSEN: Anaktuvuk Pass, yeah.

KAREN BREWSTER: Can you talk about Sagwon? That's not a village that --

JUDGE VAN HOOMISSEN: Sagwon was a drilling site. Sagwon -- Sagwon Rec -- something or other River.

KAREN BREWSTER: Sagavanirktok.

JUDGE VAN HOOMISSEN: Yeah.

NIESJE STEINKRUGER: Why did you go there?

JUDGE VAN HOOMISSEN: That's when the guy had the helicopter crash and I went up -- I was DA. I went up with the coroner.

KAREN BREWSTER: So they were doing drilling work in the pipeline construction?

JUDGE VAN HOOMISSEN: That's when -- as a matter of fact they were pulling the pipe from the original well and I took a picture of it and they told me no, no, because if you -- competitors can see how many of these drill pipes are in there and figure out the depth of the well so.

NIESJE STEINKRUGER: What happened with the helicopter?

JUDGE VAN HOOMISSEN: It crashed, cut the guy's head off, yeah.

KAREN BREWSTER: Before you ask another question --

NIESJE STEINKRUGER: Uh-huh.

KAREN BREWSTER: Because --