

## INTERVIEW OF GERALD VAN HOOMISSEN

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

## TAPE 3 - ORAL HISTORY

KAREN BREWSTER: Recording.

JUDGE VAN HOOMISSEN: Okay.

NIESJE STEINKRUGER: Well, I was just saying that my memory is that when we were told we were going to the village we were going to the village. You pack your sleeping bag, your granola bars, your dried fruit and your water and we slept on the floor in the courtroom. Fort Yukon I can remember there was a cot in the social worker's office sometimes, but --

JUDGE VAN HOOMISSEN: Yeah.

NIESJE STEINKRUGER: You know we were lawyers. We slept on the floor. We got up the next morning, brushed your teeth, wore the same clothes and --

JUDGE VAN HOOMISSEN: I don't think the people that went to the Bush objected to it.

NIESJE STEINKRUGER: No.

JUDGE VAN HOOMISSEN: It was always the people sitting back there that, you know, that were running the outfit.

NIESJE STEINKRUGER: The airfare.

JUDGE VAN HOOMISSEN: They were worried about --

NIESJE STEINKRUGER: And the per diem.

JUDGE VAN HOOMISSEN: The money. They were worried about the money and the money was a consideration. Geez a jury trial in Barrow, Fort Yukon or Galena is not an inexpensive operation, but the question is -- is, you know, are you going to give these people the same kind of justice that we get. I don't know.

KAREN BREWSTER: So do you think by going out there that was more effective?

JUDGE VAN HOOMISSEN: Oh, I do. I do. Yeah. Well the people had a chance to tell you what they thought, you know.

NIESJE STEINKRUGER: And we had a chance to learn.

JUDGE VAN HOOMISSEN: You bet. You bet. Yeah.

NIESJE STEINKRUGER: Oftentimes my recollection is particularly in child abuse and neglect cases by everyone going out there, including the social worker, sometimes a trooper, the family could reach some resolution the legal system would do that none of us had thought of.

JUDGE VAN HOOMISSEN: Oh there's no question about it. No question about it.

NIESJE STEINKRUGER: And the same with juveniles, wouldn't it be?

JUDGE VAN HOOMISSEN: Yeah. Yeah. And it -- it -- I don't know whether there's enough money in the treasury to keep doing that, but justice is an expensive proposition and it's a

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very small part of your state budget. I think at one time our budget here was about two percent of the state budget for the court system so.

NIESJE STEINKRUGER: But don't you think they're also lawyers and judges cannot have an expectation that they're going to be staying at the Westmark?

JUDGE VAN HOOMISSEN: Well, I don't know whether they have that expectation or not, but the other thing is -- is and there's a different culture among lawyers. We may not have all agreed, but we all got along. We got along very well out there. I can't think of any -- anybody that hated anybody else or anything like that. The animosity between lawyers in trial now is -- seems to me is off the boards.

KAREN BREWSTER: Is there animosity also between lawyers and judges now that was different than in the past?

JUDGE VAN HOOMISSEN: Oh, I think so, yeah. I think so. Geez I'll tell you I -- my dad when -- I met a lot of judges growing up and in high school and boy you had the utmost respect for those guys. And after I started practicing with them, you still disagreed with them, but you respected their position. People don't respect each other as much as they have in the past, whether you're lawyers or whatever you are. That's too bad. And I, you know, I don't know what it's going to take to change that.

KAREN BREWSTER: What would -- what gave you the most satisfaction about being a judge? What did you like the best about it?

JUDGE VAN HOOMISSEN: Well, I guess it's -- it's a kind of an extension of your ambition as a lawyer. It's -- it's -- a lot of people think that it's -- it's a way to kind of semi-retire. Boy, that's a mistake and probably, I didn't think that, but I thought it would be easier than private practice and it isn't. A lot of the stress of private practice is taken away from you. You don't have -- you don't have secretaries to pay. You don't have to pay for office machines. You don't have to pay for libraries and all that stuff, but if you take your responsibility seriously, it's a tough job and I think everybody does.

KAREN BREWSTER: Yeah, my assumption would being a judge would be very hard work and very stressful and therefore how do you balance that kind of a stressful job with regular life?

JUDGE VAN HOOMISSEN: Well, you got to have a sense of humor and you got to -- you got to have a sense of humor and you have to feel free to express yourself.

NIESJE STEINKRUGER: Somewhere.

JUDGE VAN HOOMISSEN: That takes -- that takes some of the pressure off. If you hold all this stuff in and like I say, the worse cases are the juvenile and family domestic relations cases because they're never over and you never know -- you never can be sure you've done the right thing. And if you haven't, you can do a lot of damage.

NIESJE STEINKRUGER: Well, on the way over here you and I were talking about a common experience that when you were a judge the only -- you had no, you know, hobbies, time to read, nothing. There was work and there was family and it wasn't until retirement that there was anything else in your life.

JUDGE VAN HOOMISSEN: Well, that's true as far as work, but I did -- I did -- I hunted and fished. I did have hobbies. I built stuff. I, you know, I had woodworking and, but no, not like I do now, geez. You're certainly not going to build an airplane as a judge. You'd never get it built.

KAREN BREWSTER: But so going hunting and fishing that was your way to de-stress?

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JUDGE VAN HOOMISSEN: Yeah. Yeah. Yeah.

KAREN BREWSTER: Yeah, I would think being a judge is a very isolating experience as your saying. Niesje, not only because of your workload and the stress but the things you can't talk about with other people.

JUDGE VAN HOOMISSEN: Well, it is, but some judges isolate themselves too much -- too much. You know I was involved in youth hockey and stuff like that and Judge Hepp, for instance, wouldn't eat in the restaurants. He ate out on the Base and that kind of thing and I think the judges -- I think that's too much stress.

NIESJE STEINKRUGER: How about your spouse being a judge and how your spouse comes into play?

JUDGE VAN HOOMISSEN: Well, like I say she -- she never bellyached about me working at night. She was pretty resourceful. I -- you know we had a lot of visiting lawyers and judges up from Anchorage and she could put on a meal and never heard a complaint. I'm sure she didn't -- didn't like it -- my working that much at night and consequently I didn't spend as much kid -- although geez it seemed to me I was out -- hockey game or a basketball game all the time. So I don't know --

NIESJE STEINKRUGER: Did you talk to her about cases --

JUDGE VAN HOOMISSEN: It's tougher on the kids because they're going to screw up in high school I don't care who they are even if they -- you know, and well your dad's a judge, what's he going to say? That's what -- Wanda got a ticket and the cop says what's your husband going to say? She said he's going to say pay it.

KAREN BREWSTER: Yeah, were you able to talk to your wife about cases?

JUDGE VAN HOOMISSEN: No, we -- oh, sometimes, not very often -- not very often.

KAREN BREWSTER: So what was the most difficult part or the biggest challenge about being a judge?

JUDGE VAN HOOMISSEN: The juvenile cases, the domestic relations. You know, there's stress in any job and people's stress is kind of funneled over into your lap when you're a judge so, but that's part of the game. That's part of what you sign up for so you shouldn't complain about it.

NIESJE STEINKRUGER: When we were coming here, you were talking about you liked the variety.

JUDGE VAN HOOMISSEN: Oh, yeah, yeah. I -- well that's why I came to Fairbanks because I was, you know, the criminal cases after you've heard or tried a number of criminal cases, there's nothing new. I don't care whether it's a rape case or a robbery it's, you know, there's nothing new. But the civil cases are more interesting and, of course, they're more work too because a lot of times you got to -- you have to educate yourself on stuff that you really knew nothing about. Like I didn't -- I've never built a runway at Barrow, for Pete's sake, or that kind of stuff.

KAREN BREWSTER: And now when did you retire?

JUDGE VAN HOOMISSEN: Eighty-six.

KAREN BREWSTER: And why did you retire?

JUDGE VAN HOOMISSEN: Well, I was -- I had told the Press Club I was going to quit in two years and that way I would've been eligible for their retirement. But I got this aseptic necrosis and we didn't have sick leave so we were paid for all the time we were off and I was costing the court system a lot of money. The first two operations were at the

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University of Iowa and that was a year in a wheelchair, although I did come back to work part of that time. And then the second operations were in Oregon and then the shoulders came into play. So I wanted to quit two years early and get the COBRA and the court administrator said no I'm not going to authorize you for that. He says why don't you take a disability. I said well -- and nobody, I -- you know, a judge if you can -- as I told Niesje, if you can wheel him in on a garage creeper, he can do his job so anyhow I got it. And as I told her, my dad would turn over in my grave if -- his grave if he knew I retired at that age, but it ain't bad.

KAREN BREWSTER: How old were you when you retired?

JUDGE VAN HOOMISSEN: Fifty-two.

NIESJE STEINKRUGER: You were -- you were in a fair amount of pain before you retired -- physical pain.

JUDGE VAN HOOMISSEN: Well yeah -- it -- yeah it's -- it wasn't comfortable.

KAREN BREWSTER: So what have you been doing since? That's -- well, you built an airplane, but what else?

JUDGE VAN HOOMISSEN: Well, I -- I've got hips that are all fouled up, you know, but there -- there -- I get around all right.

KAREN BREWSTER: Do you do volunteer work? You haven't gone back as a pro-tem judge?

JUDGE VAN HOOMISSEN: I've never gone inside the courtroom, except to visit it a couple times. I've never been in the ones in Anchorage. No, I figure that's a part of my life that's over with. I did some arbitration work afterward and that was kind of a pain in the rear because you got -- you got to keep tax records and all that stuff and I just didn't want to do it. I did it for about a year and half.

NIESJE STEINKRUGER: Well, you left Alaska and then you came back, right?

JUDGE VAN HOOMISSEN: We went out and I found out I had enough of civilization and we came back, yeah. Yeah. It -- and I still would be here if it weren't for the hips, but you can't -- if you sit and watch the winter it's -- it's long.

KAREN BREWSTER: Right. Do you miss being a judge?

JUDGE VAN HOOMISSEN: No.

KAREN BREWSTER: There's nothing about it that you miss?

JUDGE VAN HOOMISSEN: No. I enjoyed it when I was there, but I -- I intended to quit. I figure I've never held a job that long so let somebody else -- let somebody else do it, you know.

KAREN BREWSTER: You certainly all that traveling you did, all those villages, you were one of the few if not the only judge who did that?

JUDGE VAN HOOMISSEN: Oh, I think Vic did some -- did -- he would --

NIESJE STEINKRUGER: Carlson?

JUDGE VAN HOOMISSEN: Carlson.

NIESJE STEINKRUGER: Hodges went to Barrow.

JUDGE VAN HOOMISSEN: Yeah --

NIESJE STEINKRUGER: But that was --

JUDGE VAN HOOMISSEN: Reluctantly, but -- yeah.

KAREN BREWSTER: But to do all that traveling for hearings and all that.

JUDGE VAN HOOMISSEN: I don't know. Jim Hanson might have done some. I don't know.

KAREN BREWSTER: But so that was pretty adventurous to be doing that.

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JUDGE VAN HOOMISSEN: Well yeah -- I didn't consider that. I like the country. I mean I've got a list that's way longer than that of places I've been when I'm hunting and fishing and, you know, it's -- this is great country and I still haven't seen hardly any of it really. It's a pretty good sized state.

NIESJE STEINKRUGER: A lawyer wrote to me and said this: One of the things that impressed me about Judge Van was that he went to Venetie to do disposition in a juvenile case. Disposition is like the sentencing for a minor. He set up the courtroom in a community building and conducted a circle sentencing so that the minor heard, saw, and felt the impact of what he had done to his community while the community saw that the court system actually listened to and acted on their concern -- concerns. In spite of his tough talk, Van, like Rabinowitz, believed in delivering justice to rural Alaska. There's this term sort of circle sentencing that is in vogue now.

JUDGE VAN HOOMISSEN: Yeah, I didn't know what that is.

NIESJE STEINKRUGER: Yeah. I think you were --

JUDGE VAN HOOMISSEN: I didn't invent it either.

NIESJE STEINKRUGER: I think you were doing it, but you didn't know the name.

KAREN BREWSTER: Niesje, maybe you should explain what circle sentencing is.

NIESJE STEINKRUGER: Well it comes in a lot of forms now, but it's -- it's, you know, going to the community and having -- inviting victims, family, community members to sit with the defendant and --

JUDGE VAN HOOMISSEN: Yeah.

NIESJE STEINKRUGER: Talk about the impact or what happened and try and come to some conclusion about what to do.

JUDGE VAN HOOMISSEN: Well, I don't think there's anything innovative about that. You should do that. I mean you got -- if you got a crime where you've got a juvenile offense, it would seem to me you should get the parties that are involved in it, involved in the disposition of it. I mean that -- I just can't see where that's -- that's so rare and exotic. I don't think we did that as much as we should have. I didn't do it as much as we should have. I have a tendency maybe to do that more in the Bush than I did when I was sitting in Fairbanks because, you know, you -- a lot of times you pass sentence and you're isolated from the victims or you didn't -- you got a brief interview from your -- your corrections officer's presentence report. I think it should be done more, but and I think there's a reluctance on the part of judges to tell people why you've imposed the sentence when it appears to be from page 8 -- off base. For instance, I had two murder cases in Barrow. One was a very vicious one where a guy went out and shot into a tent for campers and killed both people and then violated the body of the woman after she was dead. And at the same time there was a girl who left her child on the beach and the child died.

NIESJE STEINKRUGER: Baby, wasn't it?

JUDGE VAN HOOMISSEN: A baby and I gave -- I gave the guy a life sentence and I gave the gal probation and I got a letter from a gal in Soldotna just reaming me out for the disparate - disparate sentence. So I figured, you know, she's got a right to complain about this. So I wrote to her and I told her, I said you may never agree with what I've done, but you shouldn't feel that there was no reason for it at all and I gave her the reasons. I never heard from her again. I don't know whether she agreed with it or not, but on a case like

that you can't just drop it on people. They wonder what's this idiot doing and so I think, you know, judges once they make their decision you should be able to back it up. I mean you're paid by the public. I don't know. That's my opinion. Maybe you shouldn't do that, but -- because you have to disclose -- well, it's a public record anyhow. It's a public forum. You have to disclose reasons that maybe a lot of people wouldn't -- wouldn't hear.

KAREN BREWSTER: Did you have any experience with Tribal Courts? Were those happening when you were judging?

JUDGE VAN HOOMISSEN: No and I -- we had when I first was up here, we still had not Tribal Courts but the Elders -- we had the old -- the blue ticket or whatever it is.

KAREN BREWSTER: What's that?

JUDGE VAN HOOMISSEN: Well, they'd -- they'd give a guy a ticket and tell him to leave the village and don't come back. Well, we have a decision from the Supreme Court that says there shall be only one court system in the state of Alaska and that eviscerated some of the authority of the Elders in the villages. It took it away from them and consequently we had a lot more people going to jail that probably could have been handled in the village. And now I guess, geez we got juvenile courts and we've got drunk courts and drug courts and everything else now. Every time I pick up the paper there's a different court, you know, I don't agree with that, but there again it's the local communities stealing from one another. It usually wasn't a big crime in the Eskimo villages unless the person suffered from it. If you had a need for something and the other guy had it and he didn't need it, you'd go take it. Well, that all of a sudden became robbery and if the village Elders had a chance to handle that, they'd handle it and didn't call for the whole power and might of the state government. But that's, you know, that's pretty -- that ain't going to happen.

NIESJE STEINKRUGER: Thanks.

KAREN BREWSTER: Do you have any other thoughts of things you --

JUDGE VAN HOOMISSEN: I haven't even thought about this for a long time so, no, I don't.

KAREN BREWSTER: Well, there's something else that came up and -- that you wanted to talk about?

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

NIESJE STEINKRUGER: Here I have a file that says VanHoomissen on it and I was looking at last night and you may have this at home, but you may just want to show it to your kids, which is your admission to the bar and the documents that went with it. I don't remember where I got that.

KAREN BREWSTER: And why would you have that?

NIESJE STEINKRUGER: And why would I have that? Somebody copied it.

JUDGE VAN HOOMISSEN: Well, you know I thought you were going to give me the one from Oregon because I didn't apply for the bar and I was a clerk for circuit judge. And I'd gone to school in Washington and Oregon is an issues bar exam. In Washington, if you can answer a question, you just answered it and that was it at the time, so I didn't figure I was ready for this. So he told me he said if you don't apply for the bar I'm going to fire you. So I thought well geez I don't want to get fired so I went to apply for the bar but the time for application had expired and they wouldn't accept it. So I had to apply to the supreme court, so that was the first case I ever had before the supreme court and they let me take the bar.

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NIESJE STEINKRUGER: To get in.  
JUDGE VAN HOOMISSEN: Yeah. Now what is this?  
NIESJE STEINKRUGER: This is from Alaska when you got admitted in Alaska or when you were sworn in signed by Rabinowitz.  
JUDGE VAN HOOMISSEN: Well, that's a bunch of baloney. I wasn't -- I wasn't examined by the Board of Governors.  
NIESJE STEINKRUGER: I thought you'd like the documents.  
JUDGE VAN HOOMISSEN: Well.  
KAREN BREWSTER: You said you were just --  
JUDGE VAN HOOMISSEN: I just applied for reciprocity.  
KAREN BREWSTER: Yeah and they just let you in?  
JUDGE VAN HOOMISSEN: Yeah.  
NIESJE STEINKRUGER: Yeah, I think there's an affidavit in there from you. So it's probably the reciprocity affidavit.  
JUDGE VAN HOOMISSEN: Yeah, well they may have looked at it. Board of Governors, yeah, petition of certificate.  
KAREN BREWSTER: So that's for being in the bar not being appointed as a judge?  
NIESJE STEINKRUGER: Right, right.  
JUDGE VAN HOOMISSEN: Oh.  
NIESJE STEINKRUGER: Who swore you in as a judge?  
JUDGE VAN HOOMISSEN: George Boney.  
NIESJE STEINKRUGER: Oh.  
JUDGE VAN HOOMISSEN: We got along like dogs and fleas, I'll tell you. It was forty below zero, the courtroom was filled, my kids were all there, a bunch of people were there and he couldn't land. And we all sat in that courthouse for about two and a half hours waiting for him to land and he gave orders that nobody is to administer the oath but him. Yeah George -- George and I didn't get along too well.  
KAREN BREWSTER: Did you know Nesbett?  
JUDGE VAN HOOMISSEN: Yes.  
KAREN BREWSTER: What was he like?  
JUDGE VAN HOOMISSEN: I didn't know him. I've never been before him, but in the US Attorney's Office I had a small business case in which -- Small Business Administration case that he was involved in and he was a difficult person, very difficult. I know his son. In fact, I saw Ray just not too long ago. Yeah, he was -- he was a tough and I -- I don't know whether you remember Harry Arend's. Outstanding guy. An outstanding Supreme Court justice that got voted out mainly because of Nesbett's ruling. It was an effort to get back at the Supreme Court.  
KAREN BREWSTER: That was the court-bar fight thing.  
JUDGE VAN HOOMISSEN: The court-bar fight, yeah. That was terrible because Harry became solicitor for the Department of the Interior and I worked with him a lot. He was really a good guy.  
KAREN BREWSTER: Did you have any particular mentors?  
JUDGE VAN HOOMISSEN: Well, Hepp was as far on the bench. My dad. There's no question about that. He was -- he was a stern guy but he had a good sense of humor. All my friends were scared to death of him because you had to kind of follow him down the hall

to get his punch lines on his jokes and stuff. but he was -- he was a tough guy, but he was fair and no question, I had a lot of respect for him. Ray Plummer. I had a lot of respect for Ray Plummer. I tried a lot of cases in front of him. I also was a witness in a criminal case that was tried in his court, which was very -- a very tough spot for me.

NIESJE STEINKRUGER: What kind of case?

JUDGE VAN HOOMISSEN: Postal inspector had robbed the post office after he quit, Bill Sparks and he was prosecuted. And all the postal inspectors, the attorney representing him was Steve Cooper, who worked for me in the DA's office. The prosecutor --

NIESJE STEINKRUGER: Copper Cooper?

JUDGE VAN HOOMISSEN: Copper Cooper. Cooper Cooper was the prosecutor.

KAREN BREWSTER: Who's Cooper Cooper?

JUDGE VAN HOOMISSEN: Ray Plummer was --

NIESJE STEINKRUGER: Cooper Cooper is --

JUDGE VAN HOOMISSEN: Steve Cooper. US Attorney.

NIESJE STEINKRUGER: Steve Cooper, the US Attorney.

KAREN BREWSTER: Who's different than Steve Cooper, the governor?

JUDGE VAN HOOMISSEN: Yes.

NIESJE STEINKRUGER: Yeah.

JUDGE VAN HOOMISSEN: One's Copper and one's Cooper.

NIESJE STEINKRUGER: So we used to always call him Copper Cooper and Cooper Cooper.

JUDGE VAN HOOMISSEN: And all of the -- all of the investigators from the postal inspectors and -- were all friends of mine. And I had to testify against Sparks because he was a very good friend of mine. And he started talking about this robbery and finally I told him I says, you know -- he never did say he was involved in it, but he seemed to know an awful lot about it. And so I told him I said, you know, if you know anything about this thing, I said, you better not talk to me. I said because if I was ever called I'd have to testify. Well he -- I was in bed with the flu and here comes these two postal inspectors and then I found out, you know, what it was all about and he told --

NIESJE STEINKRUGER: What was he stealing?

JUDGE VAN HOOMISSEN: They broke in the safe at the post office and stole the -- about twenty, thirty thousand dollars, cash.

NIESJE STEINKRUGER: Here in Fairbanks?

JUDGE VAN HOOMISSEN: Yeah, yeah. And I can't believe it because I traveled to the Bush with him on inspection tours, you know. The US Attorney went with him and -- and, yeah, I can't believe it. He had a successful business here in town, but that was a tough case for me.

NIESJE STEINKRUGER: And that was in federal court?

JUDGE VAN HOOMISSEN: That was in federal court, yeah. And his wife -- she never would talk to me afterward, so, you know. Well, it was a tough deal all the way around, but -- and Jack Tripp was also involved in it. Jack was the postmaster.

KAREN BREWSTER: So you've had experience in federal and state court?

JUDGE VAN HOOMISSEN: I've had experience on both sides, criminal and, you know, both sides of the case, yeah.

KAREN BREWSTER: Yeah.

NIESJE STEINKRUGER: And you've been a juror. That's one of the --

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JUDGE VAN HOOMISSEN: Oh, yeah.

NIESJE STEINKRUGER: Yeah, we were talking about that -- who would leave him as a juror on a case, but --

KAREN BREWSTER: You mean now as a former judge you've been a juror?

JUDGE VAN HOOMISSEN: Yes.

NIESJE STEINKRUGER: Yeah.

JUDGE VAN HOOMISSEN: They called me on a criminal case and I had this guy -- I sat there in the jury box on the panel, one of the selected ones, for about two days and they asked me do you know the FBI Agent? Yes. Do you know the cops? Yes. Do you know the witnesses? Yes. And went down the line and I'm still sitting there and finally they asked me if I would give greater weight to the testimony of a law enforcement officer than anybody else. And I said no. I wouldn't. I said they make mistakes, but I said -- and then they asked me about particular Jim Fraser (phonetic). I said oh, I've known Mr. Fraser for years. I've -- I've prosecuted cases that he's brought and I've sat on cases where he has testified. I said I would -- I have no reason to feel that his testimony would not be credible from my experience with him. So I figured that'd do it. By God they still -- I sat there and finally after about the 10th preemptory, they kicked me off.

NIESJE STEINKRUGER: But then there was --

JUDGE VAN HOOMISSEN: A civil case.

NIESJE STEINKRUGER: You were on one in Judge Cangelli's (phonetic) courtroom?

JUDGE VAN HOOMISSEN: Yeah. Oh, boy, that was something I --

KAREN BREWSTER: So what's the difference between federal and state court or is there any difference?

JUDGE VAN HOOMISSEN: Well formality for one thing and there's far -- you don't have the latitude in federal court that you do in state court.

NIESJE STEINKRUGER: And the federal court is a more limited jurisdiction.

JUDGE VAN HOOMISSEN: Yeah, very limited jurisdiction. Oh, it's getting broader and broader all the time. These guys -- the closest thing to God on earth you'll ever come to is a US district judge. I mean they're -- they're legislating on everything now.

KAREN BREWSTER: So you're glad you were in state court as a judge?

JUDGE VAN HOOMISSEN: Oh, yeah, yeah. I don't think anybody ought to have a job for life guaranteed, but that again is my opinion.

KAREN BREWSTER: Right.

NIESJE STEINKRUGER: Thanks for the morning.

KAREN BREWSTER: Thank you very much.