

Oral History of  
District of Nevada Judge Howard McKibben  
by Bradley Williams  
July 2007

**Bradley Williams**

Today is July 17 2007. We're in the Sheraton Waikiki Hotel in Honolulu, Hawaii. My name is Brad Williams. We are here today to interview Judge Howard McKibben in a brief video oral history to supplement a longer, more complete audio oral history that the Judge and I are working on as well. I'm here on behalf of the Ninth Judicial Circuit Historical Society to make this video for inclusion in our archives. I'm delighted to be here again with you, Your Honor.

**Judge Howard McKibben**

Thank you, Brad. I'm delighted to be here too, especially in this venue in Hawaii.

**Bradley Williams**

It is lovely. But I have to have to admit that I enjoy meeting with you in your chambers.

**Judge Howard McKibben**

I enjoy talking with you too.

**Bradley Williams**

I want to ask you today to start with some reminiscences about growing up in Illinois, in the Midwest.

**Judge Howard McKibben**

Well, I was born in Virginia, Illinois in 1940. It's an easy day to remember because it's April 1, 1940, and people over the years haven't let me forget that, especially when I was a youngster in grade school and middle school, they used to make a lot of jokes about that. But I was born, as I say, 1940, April 1 in Virginia. Then, shortly after that, I was taken to the Baby Fold, an orphanage in Normal, Illinois, and then I spent about six months there until I was adopted by two very wonderful people, Bernice and James McKibben, who were educators. My father had taught in a one-room school at a very young age of 16, and was able to acquire enough money so that he could go to college at the University of Chicago, and then he ultimately became a superintendent of a county school system and the Rowva high school system. And then my mother was a Latin and English teacher. So they gave me a great, great foundation on education and instilled in me the concept that public service was really important. From there, we moved to Oneida, Illinois, which was a very small town in the western part, northwestern part of Illinois, not far from Galesburg, not far from Peoria. Town of about 500 people and



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it was a very small school in a very rural setting, wonderful corn country. That's where I grew up until I went to college. I attended Rowva High School, graduated in 1958, and then attended Bradley University at Peoria on an athletic and academic scholarship that really helped me financially because we didn't have a great deal of money. I was there between 1958 and 1962.

**Bradley Williams**

Let me ask you a little bit about your high school experience. Was your father still a superintendent of schools?

**Judge Howard McKibben**

He was a superintendent during the years that I was there. As a matter of fact, they had built a new high school and the class, which was the class of 1958, I was in high school between 1954 and '58, was the first class to go all four years in the new high school and people used to accuse me of having special privileges with my father, making sure that that high school was built at that time, so that I could spend the full four years there. My love in high school, beside some academics, and learning poetry and enjoying that, was athletics. I was fortunate to, out of the 16 letters that you could get, I think I got 14 letters. I didn't have baseball my freshman year, but I was able to get 14 letters, and that really was my love. When I went to college on an academic and sports scholarship in track, my life really was devoted to athletics, at that point. I really enjoyed sports.

**Bradley Williams**

You must have, it would take up all your time.

**Judge Howard McKibben**

Well, it took up a lot of my time, it really did.

**Bradley Williams**

Lettering in 14 sports. That's amazing.

**Judge Howard McKibben**

Well, it was a small school, so it was a little easier to do. But I enjoyed athletics a great deal and I think it probably instilled some competitiveness in me and some discipline that was extremely important, I think, later in life.

**Bradley Williams**

Were there coaches or teachers in high school who were particularly influential?

**Judge Howard McKibben**

Well, there were a number of them, but I particularly remember Bill Adams, who was our basketball and track coach, and he kind of taught us the belief that it was important to win, but it was more important to compete fairly and it's kind of how you play the game, not whether you won or lost necessarily. So that was important to me, and it's always been important to me. And I remember that and he was really an

excellent coach, but more importantly, a wonderful human being and I learned a great deal, as we all did, from him.

**Bradley Williams**

Now you go on to Bradley University in Peoria, and you're there on an academic and athletic scholarship in track. What were your events in track?

**Judge Howard McKibben**

I broad jumped and ran the 100. I was able to get my time under 10 seconds flat. That was in the old days, shows you how old I am. That was when they had the 100 yard dash rather than the 100 meters. And I was able to get my time under 10 flat at 9.9 and I broad jumped around 23 and a half feet. That probably was my best event. I enjoyed that. We got a chance to go to a lot of track meets in the Missouri Valley Conference. I'll never forget one in particular in Wichita, Kansas, when Don Bragg, who was one of the great old pole vaulters, he used the pole that wasn't the fiberglass, so you had to have brute strength. And he set a meet record in Wichita and I was so impressed because after he set that record, he went up into the stands and it was either his wife or girlfriend, picked her up and did a victory lap with her and I thought this is really heaven.

**Bradley Williams**

I wonder what she thought of that.

**Judge Howard McKibben**

I'm not sure of that. But we had good times in those days. Bradley had wonderful basketball teams during those years. Bobby Joe Mason, Jeff Walker, who later played for the Bulls and some of the other professional teams and we got a chance to tutor them. I particularly tutored Bobby Joe Mason, who played with the Harlem Globetrotters. And we got a chance to help seat people in the auditorium, in the arena, during basketball games. We just had a wonderful time, and that was a great experience for me. During those years, I also kind of moved into the area of politics and ran for student body president, and was elected and had a chance to develop a number of programs, including programs involving the academic Supreme Court and campus Supreme Court that we had. I guess that was my first real inkling that perhaps the field of law was what I might be interested in.

**Judge Howard McKibben**

I see. So where did this interest in politics develop from?

**Judge Howard McKibben**

Well, I enjoyed political science when I got to Bradley, and my father had introduced me to a congressman in the Galesburg area in Illinois. Then when I worked for the Agricultural Stabilization Conservation Service one summer, I used to talk with the farmers and they would tell me about the exploits of Everett Dirksen who was our senator. It just fascinated me as a young boy, and so I thought someday maybe the area of politics would hold some interest for me. Then when I got involved in

student government heavily, at Bradley, I honed my interest and I have always been very fascinated by the political scene.

**Bradley Williams**

Was that your major at Bradley?

**Judge Howard McKibben**

Political science, it was. History was my minor.

**Bradley Williams**

And what did you do when you graduated from Bradley?

**Judge Howard McKibben**

Well, I wasn't certain that I wanted to go to law school. I knew I was thinking about going to law school at the time, but I thought I would wait a year. I went to the University of Pittsburgh and received a master's degree in Public Administration. Then I spent one year in Saginaw, Michigan as an assistant intern to the city manager, and got a chance to become fairly intimately involved in the day-to-day routine work of the City Attorney, and that's when I was convinced that I really wanted to go into law school because I got a chance to go into the courtroom on matters that the city had and was really impressed with one of the assistant City Attorneys. He was blind and yet did a wonderful job in arguing the cases and preparing the cases, and I was so impressed by him that I thought that even with someone who has a disability like that, the abilities that he had, I hoped that maybe I could do half what he could do with all of my faculties intact. So he was a great inspiration to me and I just loved the law at that point and thought, well, that's kind of a nice combination, perhaps an entree into the area of the politics if that's what I ever wanted to do in the future, so that pretty much convinced me to go ahead and go to law school. I applied at the University of Michigan and was accepted.

**Bradley Williams**

What was your experience at Michigan like?

**Judge Howard McKibben**

Well, it was a humbling experience because when I went in as a freshman, when they teach the Socratic method, and they call on you, and you kind of hope that you're sitting down as low as you can, so that the professor doesn't see you, it was an eye opener for me. You really had to study hard, not that I hadn't had to study hard before, but you had to study hard, and there were many, many outstanding students there at the University of Michigan. It really challenged me, and I enjoyed it a lot, and I was able to survive my freshman year. And we always say, if we can survive that freshman year, we're probably going to make it. So we did. I lived on the campus there, the law quad, which is a beautiful law quad, with the architecture, and it just has to be one of the most appealing, I think, areas to room while you're in law school anyplace in the country. I met a lot of people there that I became fast friends with and it was just overall a wonderful experience for me.

**Bradley Williams**

Who were some of those friends that you made?

**Judge Howard McKibben**

Bill Pelister and Jim Cook and Joe Ballway were my roommates there at the law squad and we've made remained friends over the years. We see each other at reunions and occasionally at other times. They went on to do corporate work, and also with some major law firms in both Washington D.C. and in New York. After I got out of law school and was married, we decided to head west and seek our fortune in the West,

**Bradley Williams**

Sticking with law school for just a moment, are there any particular professors who stand out in your mind either positively or negatively?

**Judge Howard McKibben**

Well, there was a Professor Steinheimer, who was an expert on the Uniform Commercial Code. And I thought he was a fascinating lecturer. We had Jerry Israel, who was a wonderful teacher, really challenged you and he taught criminal procedure. I enjoyed criminal law a lot. I knew that perhaps that was the area that I might go into, after I graduated from law school, eventually, something in the area of the criminal sector, and they were a good influence on me. I just really had an enjoyable time at law school.

**Bradley Williams**

As you just said, after you graduated from law school, you packed up with your wife in the car and headed west. What was your thinking? How come we didn't go back to Illinois?

**Judge Howard McKibben**

Well, between the junior and senior year of law school, I had met my wife-to-be the second year of law school early in the fall. She crashed a mixer that we had at the law quad, and I asked her to dance and that was, we knew, I think, at least I knew that, I think it took her a little longer, but I knew that she was going to be my wife if she was willing to spend a lifetime with me. So it wasn't long after that that I proposed to her and then we decided that we would get married in July of that following summer and then go to Nevada, where I had a sister who was teaching school and spend two months interning for a lawyer in the Carson Valley, which is a beautiful area just over the Sierra Nevadas from Lake Tahoe. I was able to secure a position with George Abbott who had been under Secretary of the Interior under Eisenhower, in the Eisenhower administration. And I secured that job through Paul Laxalt, who was then the Lieutenant Governor and had kindly consented to sit down and talk with me. We spent over an hour, hour and a half talking. He didn't know me from a bale of hay but here was a lieutenant governor of the state being willing to sit down with a young person from the University of Michigan law school and talk about opportunities out in the West, and I was impressed by that. I really enjoyed working with George Abbott. So we decided after we were married that summer and then came directly out for two months and then we decided we were going to come back after I finished my last year of law school. So



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we went back and finished up and then came out and Mary Ann got her master's degree in library science and said to me, Are there any libraries in Nevada? And I said, well, I'm sure we can find at least one someplace. So we headed out west and fell in love with Lake Tahoe and we've never really looked back. I think it was a very good decision for us and I know she believes that too.

**Bradley Williams**

Well, when you come back to Nevada, you had to pass the Nevada bar. What was that like?

**Judge Howard McKibben**

That was interesting because they had a residency requirement in Nevada. I tried to tack the period I'd been there during the summer with the next summer. They only gave the bar once a year. The board of Bar Examiners and the Board of Governors decided that even though I had taken out a driver's license, rental, I had rented the place and kept the rental in place, taken out voter registration, everything to show my intent to make Nevada my permanent home, they concluded that because I paid out of state tuition at the University of Michigan, that they weren't going to allow me to take the bar exam that year. So I had to wait a year to take the bar exam. That was a difficult year for us. Our son was born, Mark, and I was still waiting to take the bar exam. There was quite a bit of pressure during that first year. But I enjoyed working with George Abbott, in the Carson Valley, and he had me do a number of things, all the way from criminal to estate matters to domestic relations matters. I got a chance to become acquainted with the district attorney there in Douglas County and was exposed a little bit to the criminal end of things during that first year. Then I took the bar exam at the end of the next year and passed the bar exam and was admitted to practice.

**Bradley Williams**

Was George Abbott a sole practitioner?

**Judge Howard McKibben**

He was. He had his offices in an old bank building. It had been the first interstate bank there in Mendon in the back part of it and had the ball there and everything. And that was the office, and it was just George Abbott, myself, and then Fred Scarpello, who is still practicing in Carson City, joined us during that second year I was there. After I passed the bar exam then I also became a deputy district attorney in Douglas County and served as deputy district attorney between 19 -- I passed the bar in 1968, and then was deputy district attorney until 1970, and I was elected district attorney of Douglas County in 1970. I ran for district attorney when the then-district attorney retired.

**Bradley Williams**

Staying with your experience with George Abbott for a moment, did you try cases when you worked for him?

**Judge Howard McKibben**

I did. And I would go in on estate matters. We had one fairly complicated personal injury case that involved the use of 2,4-D, it was that compound that they used to spray on crops. It was considered to

be a fairly toxic compound and we represented an individual who had been harmed by that. That trial lasted about two weeks. So it was a good experience, good trial experience for me and I got a chance to examine some of the witnesses and so one nice thing about working at a small law firm like that, you get a chance to go out and get your feet wet fairly quickly. I enjoyed that a great deal. Over in the District Attorney's office, I got a chance to try cases quickly, and that was a great experience for me.

**Bradley Williams**

What made you decide that you wanted to work in the DA's office?

**Judge Howard McKibben**

Well, I enjoyed criminal law. It had just always been in my mind since I'd taken the courses at the University of Michigan. I just thought it was a nice area of opportunity to go into the public sector. I think in the back of my mind, I always thought that eventually I'd end up in public life in some capacity. I think maybe the experiences of having been adopted, and in effect, because of two wonderful people, I got a new lease on life, and they instilled in me this concept of public service. I think that stayed with me forever and even to this day. It's one of the greatest legacies I ever got from my mother and father. And so this was an opportunity to go into the public arena and I was pleased that I had that opportunity. I really enjoyed the activity in the courtroom and arguing cases and representing the clients in the courtroom. That to me, I thought was going to be my life, and as it turned out at age 67 now I'm still in the courtroom, so I guess it's true.

**Bradley Williams**

I guess you must like it. Well now, Douglas County covers some pretty interesting real estate.

**Judge Howard McKibben**

It does it. It's the south end of Lake Tahoe, over to the California border, includes where Heavenly Valley is and the casinos at the south end of Tahoe. Then over the mountain, you're in the Carson Valley. There are a number of Basques and Germans in the Carson Valley. A lot of cattle and sheep. It was beautiful. I think Mary Ann I fell in love with that area the moment we saw it when we came to Nevada. That was one of the reasons we came back to Nevada. On any given weekend, instead of having 25 or 30,000 people in the county, we'd have 150,000 because of all the tourists. And that made the job a lot more interesting, because we got a lot of fascinating cases.

**Bradley Williams**

Any particular cases from that time that stand out in your mind?

**Judge Howard McKibben**

I remember one case distinctly when I was a deputy district attorney that stands out. I had been asked by the district attorney to prosecute a gentleman who was running a wedding chapel. And the district attorney didn't think that he had a congregation. and so he asked me to proceed against him by filing an injunction, and I did that. On the day we were to have the hearing, I saw these vans show up in front of the courthouse and they had all types of decals on them, flowers and what have you. All of these

people and unusual dress got out and set up chairs in the front lawn of the courthouse. He put up a podium and started preaching. And I knew at that point I was in trouble with my case because he obviously had a congregation. And I don't know, it was kind of a makeshift congregation, but I knew I probably wasn't going to win the case, so we went in and dismissed it. But that was my first experience with surprises.

**Bradley Williams**

That's quite a surprise. So you go on to become a district attorney for the county.

**Judge Howard McKibben**

I was district attorney for seven years before I went on the state bench. I had a number of interesting cases. Another one that I remember that was a fairly fascinating case involved a woman who was a midwife, and she had delivered several babies in Carson Valley. This was right after I went on the bench, so I'm kind of getting ahead of myself. As district attorney, one of the cases that was very interesting involved the murder of a highway patrolman, by one Kenneth Miller, and the highway patrolman's name was Gary Gifford. The highway up at Lake Tahoe was named after Gary Gifford. But he was stopped after robbing a bank, Kenneth Miller was, and he flipped the highway patrolman over, rendered him unconscious, and took the gun out of the highway patrolman's holster and shot him in the head and executed them. I prosecuted him for first degree murder and he was convicted of that. When he went to prison, he looked over at me and said that either he or I were going to die on an anniversary date. I didn't quite get whether it was his birthday, my birthday, or the anniversary of the killing. I received a call a number of years later from the prison, and the warden said that Kenneth Miller had attempted to escape, and it was on the anniversary, I believe it was the anniversary of the killing. They had every reason to believe that perhaps he was coming to find me, and they gunned him down and killed him while he was trying to get out of the prison. So it was kind of a sobering incident.

**Bradley Williams**

Absolutely. That's just horrifying.

**Bradley Williams**

Working as a district attorney, especially in the state of Nevada, this is an elective office.

**Judge Howard McKibben**

It was elective, and nonpartisan, I had been chairman of the Nevada Young Republicans for a period of time and Douglas County was essentially predominantly Republican. And so I didn't have any opposition when I ran for election, and then when I ran for re-election, I didn't have any opposition. I used to joke with Mary Ann, my wife, about that, and she said, Well, it's because nobody else wanted the position. But then when I left the district attorney's office, there were a number of people lined up, so I said, Well, maybe that isn't the case. I think maybe she conceded that a little bit to me, but it was elected. I did start a committee, a campaign committee, but I didn't have to use them because I didn't have anyone file against me. One of the interesting cases I had during that period of time, too, involved, water is such a precious commodity in our state, as you know, because we have so little of it that I had



to go out and kind of separate two ranchers who were facing off at gunpoint on one of the irrigation boxes. They didn't teach me anything about that in law school. That was kind of a frightening experience, but we got them to calm down and probably saved some bloodshed. That was a case I didn't have to prosecute.

**Bradley Williams**

Bringing your negotiating skills there.

**Judge Howard McKibben**

Exactly.

**Bradley Williams**

So how did you decide you wanted to be a judge?

**Judge Howard McKibben**

Well, I had thought that after my second term as district attorney that I probably was going to run for Congress or for attorney general, I hadn't quite decided, I was moving in that direction. Then I received a telephone call from Governor Michael O'Callaghan. He was a Democrat. He just called me up out of the blue and said, you know, Judge Manoukian, who was on the District bench at the time, was going to be appointed to a vacancy in the Supreme Court, and Governor O'Callaghan asked me if I would consider taking the position on the state District bench. So Mary Ann and I sat down and we had a long discussion about that. It was a very important career decision because even though I had thought about going into the area of politics, I wondered if maybe this would be a more appropriate way to fulfill some of the life ambitions I had to be involved in public service. After we reflected on it some considerable time, I decided that I would accept the appointment if I received it. Then I had to go through the commission review process. My name was one of the three names sent to the governor. I'll never forget, I received a call from Governor O'Callaghan and he said, Judge, can you come up here? So I said, certainly, and so I went up to the governor's office in Carson City. He talked with me, we exchanged pleasantries, and then he said, You know, I'm going to appoint you to the bench. And that didn't surprise me a great deal since he called me earlier and asked if I'd apply. But then he said, Oh, by the way, you are a Democrat, aren't you? He claims, he's now deceased, and he was a wonderful governor. he claims that I almost fainted at that point. That isn't really what happened. What I did say was, Governor, you know better than. Then he appointed me, and I served out that term, and then was re-elected after that. So that was my step into the area of the judiciary, and I've been with the judiciary ever since. I stayed on the state bench for about seven years. I do remember during the investiture Chief Justice Cameron Batcher swore me in at the time, and I'll never forget when I stepped down, and he shook my hand, he said, Well, Judge McKibben, welcome to the ranks of dignified poverty. I didn't know then exactly what he meant, but here I am, 29 years later, and I fully understand what he was talking about.

**Bradley Williams**



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As you indicated, there was an election. You can be appointed to the bench in Nevada, to the state bench, but there are retention elections. What are your thoughts about an elected judiciary versus non-elected?

**Judge Howard McKibben**

I've experienced both. I didn't have any opposition when I sought re-election to the state bench. But even if I had, I don't think I've ever made any decision on the bench, either state or federal, that was influenced in any way by the question whether or not I had to stand for re-election. I've never felt that the job that I had was so important that it in any way could compromise my decision making process. There are many other things that I could be doing and be happy doing. So I never allowed that to influence me. I think that it's, you know, I think the founding fathers were very wise in the federal system when they put in the Constitution that it was lifetime tenure. I can certainly understand the argument on the other side that voters want to have judges be responsive. I think it's absolutely critical that judges be responsive to what is happening in the communities, and what the various standards are in the communities. I don't think we can ever be impervious to that, nor should we be. But I think it's very important to be able to, without any fear of reprisals or any form of intimidation, being able to make the hard decisions. Hopefully I've been able to do that.

**Bradley Williams**

How did your nomination to the federal bench come about?

**Judge Howard McKibben**

Well, I received a call from Senator Laxalt, who was then a Senator from Nevada, and he asked me if I would consider going on the federal bench. I told him, I'd be happy to do so. It was at the same time that Judge Mel Brunetti was being considered for a position on the Ninth Circuit. So they started doing the background investigation of the both of us at the same time. This was in the summer of 1984. At that time, I'd been on the state bench for seven years. We first learned about all of this when the FBI started asking our neighbors and friends about us and I started getting a lot of calls from people around the country saying, you know, are you up for some kind of an appointment? We're getting all these calls from the FBI about your background, and just how truthful do you want us to be? I said, well, be totally truthful. I hope I don't have too much baggage there. They did the background on both of us, and then we got a call from Senator Laxalt, saying there are only going to be 10, that are going to be put through in October before the Congress recesses. This was an election year with President Reagan. He said, we've decided that you can go ahead, Howard. Judge Brunetti will wait until after the election, because they desperately needed a district judge because of the huge caseload that they had in Nevada at that time. I went back to Washington, D.C. on what they call the redeye, along with Mary Ann, for the confirmation hearings. The Senate Judiciary Committee had already recessed when I went back there. Senator Strom Thurmond was the only senator that was there asking me questions during that process. I was very concerned when I went in to talk with Duke Short who was the administrative assistant to Senator Thurman because I saw all these boxes that were protest boxes. I thought, well, goodness, I may be in real trouble here. Duke Shorts said, well, don't worry about that, he said, these are issues involving Ed Meese, who was up for consideration as attorney general. He said, we haven't received



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any protests involving you. So I relaxed a little bit, and then he kind of explained to me what some of the questions would be, and I went in. When Senator Thurman came in, I noticed he talked to Duke Short for a moment, and I was kind of fascinated by that. Mary Ann was seated right behind me and Senator Laxalt was there and Senator Chic Hecht, who was the other senator from Nevada, was there at the time. After the proceedings were over, and I'd answered all of the questions that I was asked, I asked Duke short, if he minded telling me what the senator had said to him. And he said, Well, that's fine. I said, Well, I thought maybe he was going to change questions or whatever. He said, No, he decided he was going to go ahead and ask the questions that he had thought he would ask originally, but he said, he asked me, Who's the pretty lady seated behind the Judge there? And he said, Well, I said, that was the Judge's wife. He said, Well, we have to confirm this man. So to this day, I've always thought Mary Ann played a vital role in my appointment. As she did, in many other ways, I might add.

**Bradley Williams**

Well and I understand that Senator Thurmond was quite a connoisseur of the opposite sex.

**Judge Howard McKibben**

Apparently, he was.

**Judge Howard McKibben**

Then, since they were out of session, they had to drop either white balls or black balls in a little box. If you had all white balls, then they would go ahead and confirm you, and that's ultimately what happened. We received word the next day that I had been confirmed. I was sworn in on October 12 of 1984. That's when I assumed my duties. I immediately went to Reno and started hearing cases. I think I had a jury trial within a week or two weeks after I went on the bench. Between Judge George and myself, I think each of us tried in excess of 50 criminal jury trials during the first 15 months I was on the bench. It was a very, very busy time. I've never experienced a crowded caseload like that my entire life.

**Bradley Williams**

Amazing, amazing. Well, in some 23 years on the federal bench, I'm sure there's some memorable cases. Any ones in particular that stand out?

**Judge Howard McKibben**

Well, you know, probably the most significant case that I've worked on over the years involves the Orr Ditch Decree which distributes the waters from the Truckee River that flows between Lake Tahoe and Pyramid Lake. That decree was adopted, I think, by the courts in about 1943. The lawsuit to establish the distribution of the waters was commenced by the United States in 1913. I recall when I took that case from Judge Thompson, he handed it to me and said, You know, this has outlived me, and it'll outlive you. He was very prophetic about it because now I've given it to Judge Jones on our court, and it probably will outlive him. That was an important case that I handled for many years that involved the distribution of waters between the Truckee Carson Irrigation District, which involved the ranchers in Fallon, and the Pyramid Lake Paiute Tribe, and the entitlement to waters that they had based upon decisions that had been made by the United States government back in the mid-1980s. We've had



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litigation on that on numerous issues over the years that involved the distribution of waters out of the Truckee. One of the other interesting cases I had was ultimately made into a movie, or at least parts of the case. It involved Barry Seal, who was the youngest pilot, one of the youngest pilots, in the history of Pan-Am to fly the 747s. He was running drugs from South America to the United States and ultimately was picked up for distributing along with two other people, a fella named Orozco and Marino. There were 13 others originally charged. I think we tried seven of them during the trial that I presided over. 200 pounds of cocaine, we had Styrofoam containers in the courtroom that looked like coffins, filled with cocaine. When Mr. Seal took the stand, I asked him why he quit Pan-Am and started running drugs, and he said for the thrill of it. He was in the government secret witness protection program, so we had marshals guarding him during that process. Well, a few weeks after he was in Harcourt testifying, he left the program, and he was gunned down and killed in a parking lot in Louisiana before he was to testify against the Ochoa cartel in Florida. That was really a fascinating case, and they made a movie out of it called Double Crossed. So if you can ever find that old movie Double Crossed, you'll get a better picture of what I'm talking about. It was really a fascinating case. One of the other interesting case I had, as I indicate, I always was interested in athletics and one of the reasons, I guess, I went to law school, among others, was that I lost in the 60 yard dash at the University of Chicago when we were competing when I was at Bradley and a fella by name Ira Murchison, who would set the world record in the 100 meters, won the race. There were two constellations out of losing that badly. One was that he gave me his number from his jersey and autographed it for me, I still have that to this day. And second, I learned I wasn't an Olympic material, and I needed to find another profession. So that's another reason I think that I went on to law school. I ended up in Sports Illustrated on a case involving the wild horses that I decided, and that was another very fascinating case. I decided in that case that the mass adoption program that the United States government had for wild horses violated the spirit and intent of the Congressional acts for adoption. With my background as having been adopted, I always thought you were adopted by someone who loved you and wanted to care for you for the rest of your life. And these mass adoption programs were designed simply to send the horses to Canada to be slaughtered. So I restricted the government from the mass adoption programs. They revised their regulations. And there was quite a long article about that in Sports Illustrated. That's the only way I ever made Sports Illustrated was through one of my decisions.

**Bradley Williams**

But you did make it.

**Judge Howard McKibben**

But I made it.

**Bradley Williams**

Well, we're coming to the end of our video here today, but I wanted to ask you one last question, and that is, is there anything that I haven't asked you about that you'd want to add?

**Judge Howard McKibben**



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Well, I guess other than to say that it's been an honor to serve the public, the citizens of Nevada as a district attorney, a district judge and then as a federal judge and the people of this country as a federal judge. I can't think of any higher calling than to be able to provide some small contribution to the public through public service. I've been honored to serve in Nevada with colleagues who have been generous to me and their time and their talent, and their wise counsel. I've been very fortunate to serve with some of the people that I consider the finest colleagues and finest people that I've ever known. The second most wonderful thing, the third most wonderful thing that ever happened to me was to serve as a judge, a member of the judiciary. The first of course, was when I was taken in by two wonderful people, and the second was when I met and fell in love with and married Mary Ann, and the third is being a judge. So my life is complete, along with the two wonderful children I have and the four wonderful grandchildren. Now that I'm a senior judge, I'm delighted that I'm going to be able to spend more time with all of them. It's been enjoyable talking with you.

**Bradley Williams**

It's been an honor to sit down with you today, and I certainly appreciate you making yourself available for us.

**Judge Howard McKibben**

Thank you very much, and you're doing a wonderful job, at the Historical Society, in preserving things like this for the future. I don't know that anybody will ever want to watch this video. But in any event, I've enjoyed it very much.

**Bradley Williams**

Well, thank you.

**Judge Howard McKibben**

Thank you.

**Bradley Williams**

Thank you.