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## REMINISCENCES AND RUMINATIONS OF A RECALCITRANT RENEGADE: AN INFORMAL INTERVIEW WITH PROFESSOR JOHN W. HAGER\*

*Professor Hager, a senior member of the faculty of University of Tulsa College of Law, has taught a generation of Oklahoma lawyers. In 1973, he received the first annual award given to the faculty member voted outstanding teacher of the year by the student body. Noted for his illustrative and entertaining hypotheticals, Professor Hager here constructs an "interview" in which students, past and present, will recognize his incisive wit which has embellished legal education at the College of Law in years past and provides a thread of continuity as the school enters a new era at John Rogers Hall.*

*John Rogers was dean when Professor Hager began his teaching career. In this "interview" Professor Hager shares some anecdotes and reflections which provide an insider's view of the history of the school and of the influence of John Rogers on that history.*

**Q.** Professor Hager, I am somewhat intrigued by the title you have insisted we call this interview. What does it mean exactly?

**A.** Well, young lady, in common with a large number of other legal educators, I have known for a long time that law students cannot spell correctly but I did expect that they could read and understand words. But you are far too pretty for me to be nasty to, so I will explain briefly. The title is a bit misleading as I don't regard myself as a recalcitrant or any other kind of renegade. However, I just love alliteration and I love it even more since several prominent government officials (and former government officials) have made it fashionable in the past few years.

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\* Professor, College of Law, University of Tulsa; B.S., J.D., University of Oklahoma; LL.M., New York University.

Q. If the title is somewhat misleading, just what is the purpose of this interview, or of what you would like to say?

A. I may not truly be recalcitrant as I said earlier, but generations of law students can attest to the fact that I can be abrasive and abusive on rare occasions, and that I do not suffer fools gladly. In that vein, I would reply first that I thought the interviewer was supposed to know the purpose of his or her interview. But as your question presumably is a serious one, I will try to respond in kind. There are several purposes: first, and foremost, like the other articles in this issue (if my bit of whimsy can be dignified with the term "article"), I want to pay respect to John Rogers, a most wonderful man who set us on the right road that led from something that could scarcely be called a law school to this magnificent building that bears his name and to the teaching process that goes on inside, among other things. (For you ignorant ones, those last three words are English for *inter alia*.) Another purpose is to put down some of these young squirts, faculty and students alike, who are always complaining about the present setup by showing them to some extent how terrible it used to be. I suppose this is analogous to the parent of earlier years who was always telling his children how it was when he went to school, how far he had to walk, how deep the snow was, etc.

Q. You speak as if you were an old man. I know that you are the senior member of the faculty, but . . .

A. Now just a moment, Miss, or is it Ms.? I want to make it perfectly clear that I am the senior member of the faculty in the sense that I have been teaching here longer than any other member of the present faculty, but I am very definitely not the senior member of the faculty in age. There are one or two others who are older than I am and several more who act as if they were superannuated.

Q. If we may, Professor Hager, let's talk a bit about the span of years you have taught. I understand that the School of Law (as it was then called) got provisional approval by the American Bar Association when you joined the faculty. Is that true?

A. Well, it is true as far as you go, but I don't think your question goes far enough. I feel that I have never been given proper credit for the American Bar Association accreditation. I was directly responsible for that. It is true that Mr. Rogers played a small part, but the accreditation came as a direct result of my joining the faculty. In truth, I will have to admit that accreditation would have come no matter who joined the faculty as the school had to have three full time

faculty members in order to get such approval. But in a broad sense, I did it and I am proud of it. And of everything that has happened to the College of Law since that time, of course.

**Q.** With only three full time faculty members, it must have been quite dull and quiet around the building.

**A.** You are absolutely right, young lady. (Move over here a little closer so that I don't have to talk so loud.) Mr. Rogers was the dean, but he had a plush office in another downtown office building; the administrative dean was always off somewhere administrating or whatever it is that administrative deans do; and that just left me, the librarian, and the administrative dean's secretary rattling around in that building during most of the daytime. At that point in time (shades of Watergate; now they have got me doing it), we only had night classes and so during the daylight hours, it was lonely, lonely, lonely. However, I was able to use the men's room whenever I wanted to.

**Q.** I am not sure I understand what you are alluding to?

**A.** It isn't all that difficult to understand. The law school was jammed in with the evening division of the university and we only had one men's room on the ground floor. When the ten minute break between classes occurred, one had to shove and fight his way to the rear of the building to the men's room only to find when he got there that the bell had rung, signaling the beginning of the next class. So it was a constant frustration. We just didn't use the coffee machine in those days. Matter of self preservation, you know.

**Q.** What is this about the ringing of bells? That sounds like grammar school to me.

**A.** It was worse. Premature senility may have affected my memory a little, but as I remember, IBM had installed a central clock and bell system and the bells would ring at seven minutes before the hour to signal that class would shortly begin, at three minutes before the hour as a last warning, and on the hour to signal the instructor to start talking (or in the case of Bruce Peterson, to start telling jokes). Then the bells would ring seven minutes before the break to signal the beginning of the end of class, again at three minutes before the hour to tell everyone to get ready to leave, and then again when it was time to leave. What with all the bells ringing, we never got round to teaching much and the student learned even less.

**Q.** But weren't there some illustrious attorneys over the years whom you taught even under such adverse conditions?

A. Yes, there were many of them and I am quite proud of each of them. I have seen a large number of our graduates go on to become trial judges, members of the court of appeals, supreme court justices (Oklahoma Supreme Court, that is), the present Governor of the State, members of the University board of trustees, and a few inmates of federal and state prisons.

Q. I like to do research, so I am interested in what kind of library you had in the good old days.

A. Are you kidding? The law school moved into the old building in 1949 and when I came there in 1950, the library consisted of a few mismatched volumes of various reporters, a few good books that Mr. Rogers had donated, and a complete collection of paperback Earle Stanley Gardner, Perry Mason novels that the secretary to the Administrative Dean had given to the law school. All of these books had been dumped helter skelter in the office of the law librarian, and she was still trying to straighten out the mess long after I arrived on the scene. She finally left, screaming some incomprehensible terms like "Dewey Decimal system," "Library of Congress Cards," etc. You and your fellow students who like to do research should have seen what existed then and you would have far more appreciation than you do now for Mrs. Thrash and her library staff and for the present fine library which, incidentally, is named after two very illustrious gentlemen: former United States District Judge for the Northern District of Oklahoma, Royce Savage, and a grand person, Mr. Paul Talliafero.

Q. Professor Hager, you have talked quite a bit so far about yourself. Could we talk a bit more about Mr. Rogers and your reminiscences of him and the earlier days of the School of Law?

A. If you insist, even though I find me the most fascinating person of all to talk about. In a serious, or more serious, vein I have always considered Mr. Rogers as a second father. And, considering what I think of my own father, that is about the highest compliment I could pay to John Rogers. Of course, I never told him my feeling about him because I did not want him to think he had to give me an allowance or let me use the car on Saturday night dates.

I have heard that there is a precept of the Roman Catholic Church to the effect: "Hate the sin, but love the sinner." Mr. Rogers is not a member of that church, but I think that precept sums up much of his philosophy of life. I have never seen him angry at anyone. And his entire life has been devoted to helping others. I am more familiar with what he has done for the law school, for faculty members,

and for law students, but the other persons he has helped in one way or another are almost legion. He has fought for civil rights as long as I have known him, and the many, many students who were fortunate to study constitutional law under him know the extent to which he believed in our Constitution but believed also that it should be interpreted in a way to aid the rights of individuals.

**Q.** Could you give me a specific example of his fight for civil rights?

**A.** Certainly. There are many. But let me mention just one. When he was dean of the law school, it was against the law in Oklahoma for any school, public or private, to be integrated. That is, for a school to admit Black students. The University of Tulsa School of Law was integrated from the day I came there and has been so to the present time. I remember one of the part time instructors telling Mr. Rogers that in all strictness, we were in violation of the law to permit Black students to attend law school. Mr. Rogers' reply, a mild one as usual, was that if the particular instructor felt that teaching at the law school violated his conscience, he should resign.

**Q.** I can understand your great admiration for him and for his lack of anger at any one. But did he never, even as dean, get mad at you or call you on the carpet, as the saying goes?

**A.** Well, there were two occasions I can remember where he chided me, but even then, he did not do so in an angry manner. It was more like a father gently remonstrating with a child and indicating to the child that he should have handled the situation differently. One of these occasions needs a bit of background explanation. As we only had classes at night, we were permitted to practice law in the daytime so long as we did not list ourselves in the yellow pages (where all those fingers do the walking) and so long as we did not place our names on some office door. During that period of time and while I was doing some practice of law, I got into a fight in one of the courtrooms (self-defense, I hasten to add) and the newspapers printed the story with great glee and with the headline "Blood Flows Like Wine In Courthouse." Mr. Rogers called me in after the story came out and that was one time I was called on the carpet (if we must speak in cliches). The other time, I unfortunately had to give a student an "F" in a course because he did so poorly. After considerable discussion, he made the remark, "Well, Professor Hager, I just don't think that I deserved an 'F'." I replied, "I don't think you deserved an 'F'

either, but that's the lowest grade we give." Mr. Rogers thought that I could have handled that in a more diplomatic and more mature fashion. He was very nice about it, but I think he overlooked that I was quite young at the time and not as mature as most of my students.

**Q.** You speak of being young at that time and earlier, you mentioned that you had only night classes. Weren't the students older than you were at that time?

**A.** Most of them were. And that presented a problem. I had an erroneous idea which Mr. Rogers corrected by his gentle teaching when he taught me that one earns respect; he does not command it.

**Q.** How was Mr. Rogers able to do so much civic good if he had to practice law to make a living?

**A.** He was fortunate there. First, of course, he had to have the desire and the will to want to help people and his community. And he certainly had that. But he was fortunate in that he had a wife who was one of the most gracious and lovely ladies I have ever met and who encouraged him in his civic work and who shared his belief in the importance of giving yourself to your church, your community, and your fellow human beings. Also, his major clients, particularly the members of the Chapman family, shared his beliefs about the responsibility one has to do civic work and encouraged him in all that he did. I do think, however, that if these clients had not permitted him to do this kind of extra-legal work, Mr. Rogers would not have continued to have them as clients.

He did much more, however, than just follow his beliefs concerning the necessity of aiding others. He encouraged others, mostly by example, to go and do likewise. As an example, he took one of our graduates, William Bell, into his firm and that individual has not only turned out to be an outstanding attorney but with Mr. Rogers' guidance and because of his own inclinations, Bill Bell has begun to take over many of the civic activities that Mr. Rogers did in his earlier career.

I don't think it too extravagant for me to say that Mr. Rogers has had as much influence over my life as any other individual, living or dead. And I hereby give him by belated thanks for all he has done for me, and for the law school of which I have been a part for a long while, even though I have considered leaving the University of Tulsa on several occasions.

**Q.** Why did you want to leave T.U.?

A. I had several ambitions earlier; one of them to be the dean of a law school and the other to be a trial judge in this state.

Q. Did you ever pursue these ambitions?

A. Yes. I ran for judge when all of our judges were elected. Of course I lost, but everyone was for me except the voters. But Mr. Rogers was his usual self in connection with my campaign. He not only gave my campaign manager a substantial monetary contribution, but he also told me that he would vote for me. However, he also indicated that although he liked to see a person advance himself as far as he could, he hoped in a way that I would be defeated. The same thing occurred when I was interviewed by two or three schools for the decanal position. Mr. Rogers wrote glowing letters of recommendation and did nothing to hinder my chances, but told me in all honesty that he did not want to see me become a dean. He later explained this by telling me that there were far too few good classroom teachers in law, but that there was an ample supply of prospective judges and administrators. I am not quite conceited enough to agree with him that I am a good classroom teacher, but I have since seen the wisdom in what he said and can say truthfully that I am glad that I never was elected to a judgeship or became a dean of a law school.

Q. What do you see as the major change in the law school from the time you first started teaching to the present?

A. The major change is that each year, the students get younger, particularly the female students. Seriously, there have been so many changes that it is difficult to pinpoint one as the major change. And it goes without saying (although I will say it anyway) that no one could dispute seriously that Mr. Rogers has been directly or indirectly responsible for all of the changes that have come about since I started teaching. To name just a few changes attributable to him: He worked very hard to see that faculty salaries were raised to a more respectable level (even though they still are too low—are you listening, Paschal?) He took a particular interest in the library and has helped immensely over the years in developing it into a respectable, working library for both the students and the members of the bar. He has donated countless books over the years to the law school. He has worked for improvement of the physical facilities and it is only fitting that for that reason and many, many others, this building in which we now have the privilege of teaching should bear his name. In that regard, and quite appropriate to his character, when the local chapter of the Phi Delta Phi legal fraternity was named for him, he made the

remark that no building or anything else should be named for a living person, as you never knew but what the individual might turn out bad. Members of the John Rogers Inn of Phi Delta Phi and the Board of Trustees of the University never believed that they would run into this problem by honoring him in using his name.

**Q.** So far in this interview, Professor Hager, you seem to have been somewhat self-condemnatory while praising Mr. Rogers and saying that he has had great influence on your life. Don't you find this a bit contradictory?

**A.** Yes, I suppose it is. However, you are perceptive enough to see that I am spoofing (is that a word you young kids use these days?) to a large extent when I speak about myself. I hope that I can continue to do that and not to take myself too seriously. I think that when one loses his sense of humor, he may as well quit and retire to some monastic mode of living.

Abraham Lincoln is supposed to have said, "Everything that I am, or ever hope to be, I owe to my Mother." I don't know that I can say in a similar vein that I owe everything to Mr. Rogers but I certainly owe him a lot, and any good qualities I have as a teacher are largely owing to his example and advice over the years. Of course, the many bad qualities I possess are my doing and not attributable to him.

**Q.** Could I ask you a question. . . .

**A.** You just did!

**Q.** Please, Professor Hager! Could I ask you to talk a bit more about the changes you have seen over the years in the College of Law?

**A.** Certainly. I have indicated earlier the horrible aspects of teaching in the old building located downtown, and I do think that conditions were almost unbelievable. However, I am proud of what we were able to accomplish even under such adverse conditions. As far as major changes, the most obvious one is the difference in the physical facility we had before 1973 and the beautiful building we have now. But there have been many other changes. Without taking any merit away from former students, the present student body is more intelligent, more concerned with social problems of the world, and seemingly more dedicated to making this a better place in which to live. The faculty is much larger (in numbers as well as in weight and height) and the faculty-student ratio is better. I suppose we could list the major changes of the law school from its origin, May 17, 1923, to the present date as follows: On August 25, 1943, the law school

for the second time became a part of the University of Tulsa and has continued that affiliation to the present time; in 1949, the law school building downtown was completed and occupied by the law school and the evening division of the University; on September 21, 1950, the law school got provisional approval of the American Bar Association and full approval three years later; in June of 1963, the law school got to occupy all of the downtown building and the other evening classes were moved to the main campus; in 1965 the name was changed to the College of Law and in that same year, the board of trustees began to award the J.D. degree to graduates rather than the LL.B. degree; in 1966 as I recall, the College of Law was admitted to membership in the Association of American Law Schools; and then in April of 1973, the College of Law was moved to the campus and occupied John Rogers Hall.

**Q.** Are there any other major changes you would like to mention?

**A.** Yes, and thanks for reminding me. One that I almost overlooked was the establishment of a full time division of the law school in September of 1957. I will probably catch hell from some of my colleagues for not mentioning as major changes the dates each of them arrived at the school to begin teaching. I suppose I could mention also as major changes the establishment of the *Tulsa Law Journal* and the requirement that one have an undergraduate degree before entering law school.

**Q.** Totally aside from your reminiscing, are there courses I will be taking from you in the future?

**A.** Well, that depends on the facts and circumstances. One, if you enroll, the answer is "yes". But a more serious contingency is whether, assuming the printing of this article, the powers-that-be of the University will continue my employment.

**Q.** Are you doubtful of that?

**A.** Not really! I think that even University administrators have a sense of humor.

**Q.** Is there anything else you would like to add to this interview?

**A.** I don't think so. If you have any other questions, just see me after class, as I am wont to say.