

Arizona Bar Foundation

Oral History Project:

Arizona Legal History

Interview with Jack L. Ogg
Patrick Irvine, interviewer

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ARIZONA BAR FOUNDATION ORAL HISTORY PROJECT: ARIZONA LEGAL HISTORY

HISTORICAL NOTE

Although Arizona was frequently referred to as "the Baby State," due to its twentieth-century entry into the Union, the history of the legal profession in the state is rich and colorful. In the earlier days, lawyers were mostly self-educated men, who practiced alone, or with one partner at the most, and spent much of their professional time alternately defending and prosecuting some of the most colorful characters of the Old West, and trying to collect on bills from people who had come West to escape their creditors.

Through the first half of this century, some of the nation's finest lawyers took up practice in Arizona. As the state's population grew, a law school was added to the University of Arizona and lawyers formed an integrated state bar in 1933. After World War II, the state exploded in development with the rest of the Sun Belt, and the law profession kept up with this growth, experiencing many changes in the process.

Today, there are law firms in Phoenix and Tucson which employ upwards of 100 attorneys, who may specialize in fairly narrow areas of practice. Half of the students in the state's two law schools are now women. Over the years, Arizona's influence on legal matters at the national level has been significant. Several landmark cases have originated in Arizona, such as *In Re: Gault*, and *Miranda*. Arizona can claim the first woman to sit on a state Supreme Court: Lorna Lockwood. Two members of the State Bar now sit on the U.S. Supreme Court, one as the Chief Justice and the other as the first woman to be appointed to the Supreme Court.

However, because Arizona is a young state, there are still attorneys living who knew and remember Arizona's earliest legal practitioners during Territorial days. Many of these senior members of the Bar practiced or sat on the bench before the profession, and indeed society itself, experienced the changes of the last forty years. In an effort to preserve their memories, the Archives Department of the Arizona Historical Society/Tucson developed the *Evo DeConcini Legal History Project*, an oral history project. From 1986-1988, twenty-one oral history interviews were conducted, focusing on the reminiscences of lawyers and judges in the Southern Arizona area.

In 1987, the Board of Directors of the Arizona Bar Foundation expressed an interest in continuing to document the history of the legal profession in Arizona on a state-wide basis. In particular, the Board felt that the collection of oral history interviews with senior members of the State Bar would stimulate scholarship and publication on various topics

relating to legal history, such as water rights, land use and development, and civil rights, as well as on the history of individual firms and the State Bar, itself. The Bar Foundation and the Arizona Historical Society/Tucson agreed to work together to expand the DeConcini Project statewide, calling it the **Arizona Bar Foundation Oral History Project: Arizona Legal History**.

Raising funds for two interviews initially, the Bar Foundation designated that the first two recipients of the Walter E. Craig Distinguished Service Award, Mark Wilmer of Snell and Wilmer (1987), and Philip E. Von Ammon of Fennemore Craig (1988) be interviewed in October, 1988. Both interviews were conducted by James F. McNulty, Jr., who conducted most of the interviews for the DeConcini Project.

Because it is open-ended, it is not possible to fully define the scope and content of the Arizona Bar Foundation Legal History Project. However, in order to achieve the greatest depth and balance, and to insure that many viewpoints are represented, every effort is made to include both rural and urban practitioners, male and female, of varying racial and ethnic perspectives. Interviews are conducted as funds are made available. Transcripts of the interviews are available to researchers at the Arizona Historical Society in Tucson, the libraries of the Colleges of Law at the University of Arizona and Arizona State University, and at the Bar Center, in Phoenix. The Historical Society is also cooperating with the Ninth Judicial Circuit Historical Society in making copies of interviews with Arizona lawyers and judges from their project available to researchers here in Arizona.

The Arizona Bar Foundation Legal History Project is important not only because it is documenting the history of the profession in Arizona but because legal history encompasses every aspect of society's development. To study legal history means to study land development, environmental issues, social and educational issues, political history, civil rights, economic history--in short, the history of our society. All of these topics are, and will continue to be developed in these oral history interviews. They may be seen as a valuable and unique supplement to the written record as scholars begin to write the history of the legal profession in Arizona.



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Photograph, Jack L. Ogg

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Introductory Note

Jack Leroy Ogg was a Yavapai County Superior Court Judge from 1959 until he was elected to the Arizona Court of Appeals, Division One, in 1973. He remained there until his retirement in 1985. Prior to his twenty-six years' service on the Arizona Courts, he worked in the Yavapai County Attorney's Office for ten years and was elected County Attorney in 1955.

Judge Ogg was born on September 27, 1920, in Tonkawa, Oklahoma. His family moved to Prescott, Arizona in 1925, where he grew up. After attending the University of Arizona he served five years in the army during WWII and was stationed in the U.S. and in Europe. He was graduated from the University of Arizona School of Law in 1948.

Judge Ogg granted this interview to the Arizona Bar Foundation Oral History Project on December 1st, 1990. Patrick Irvine, a member of the Ninth Judicial Historical Society conducted the interview.

All Arizona Bar Foundation Oral History Project interviews are tape recorded and transcribed. Researchers wishing to listen to the interview may do so at the Arizona Historical Society Library, Tucson. Please ask for interview *AV 0412-17*. Copies of this transcript are sent to the narrator, the interviewer, the Arizona State University School of Law, the University of Arizona School of Law, the Arizona Bar Center and the Ninth Judicial Historical Society, Oregon. All original materials are housed at the Arizona Historical Society Archives, Tucson.

Jack L. Ogg Interview

Irvine: Judge Ogg, will you tell us about where you were born and who your parents were.

Ogg: I was born in Oklahoma, Tonkawa, Oklahoma. I always kept that quiet when I'd run for office. My dad, Charlie, was a druggist. He was going to be a doctor. He went to O.U. [University of Oklahoma], but I came along and he decided that he'd better be a druggist rather than a doctor because it took a lot less time and cost a lot less money. My mother was a farm girl in Oklahoma. She was a German farm girl and my dad was Irish, English and Scotch. The name is Scotch. When I ran for judge most people thought it was Chinese. So I was made an honorary member of the Chinese Judicial Association with Judge [Thomas] Tang and Judge [Harry] Gin and Judge [James E.] Don.

Irvine: Did your parents ever tell you how they met or how their families came to live in Oklahoma?

Ogg: Both my grandfathers ran the Cherokee Strip from Kansas into Oklahoma and they settled in Tonkawa. One of my grandfathers was on a real fast race horse and my other grandfather was in a covered wagon. My grandfather who was on a real fast horse, when he got to where he wanted to settle, the corn was about a foot high. That's where they got the name "Sooner," because a land grabber got there about a month or two before he did, someone jumped the gun. But my other grandfather just went across the Kansas line and settled in Oklahoma, and he got land along the Chikaskie River.

My dad graduated from Norman, the University of Oklahoma, and returned to Tonkawa. He eventually had three pharmacies, but he got tuberculosis after World War I and the doctor sent him to Arizona. So we came to Fort Whipple in 1925.

Irvine: When were you born?

Ogg: In 1920. September 27, 1920.

Irvine: Do you remember anything about Oklahoma?

Ogg: Very little. I just remember running away and my cousin's Shetland Pony. And I still remember the Klu Klux Klan on horses marching through Tonkawa. If you were a colored person you had to leave the city by five o'clock at night.

Irvine: What was Prescott like when your family moved here?

Ogg: Prescott was about six thousand people from the time we moved here until the beginning of World War II. I was in World War II and I went from Prescott up to Ashfork to catch a train to Fort MacArthur, California.

Irvine: What did your family do when they first moved to Prescott?

Ogg: When they first moved here my dad was out at Whipple and from Fort Whipple he moved to Pinecrest and almost everyone in Pinecrest was TB. We eventually moved out to Cortez Park and I was raised about two blocks down the road.

Irvine: From here?

Ogg: Yes. At that time we were the second house out here. This was really out

in the woods then. My dad had to have a well drilled and we used kerosene lights. There wasn't any utilities of any kind. Copper Basin Road here, that's a paved highway now, was a little dirt road. My sister and I would walk back from Lincoln school and when we heard anyone over on Copper Basin Road, we'd run because we knew it would be someone who lived in the park because only two people lived on down Copper Basin Road.

Irvine: How did you travel to Prescott in those days?

Ogg: In an old Studebaker. My dad said we were rich Okies. We had two washtubs instead of one.

Irvine: Did your dad still work as a druggist when he was in Prescott?

Ogg: He was out at Fort Whipple and he moved to Cortez Park and while he was recovering he raised rabbits and turkeys and ducks, and he would sell them on the market. The Chinese down at the Palace Cafe bought up most of the ducks. I can still remember we'd lock their wings and put them on the back porch of the Palace down on Whiskey Row, still alive. That's the way they wanted them.

Irvine: Do you have any brothers or sisters?

Ogg: I have just one sister. She's married to a lawyer, Betty Favour.

Irvine: Is she older or younger than you?

Ogg: She is younger. John [M.] Favour and I were in the same class at Prescott High School and she was a sophomore. We went to high school here and I graduated in 1939 from high school. From high school I went down to the University of Arizona. I worked as an iceman during the summer. I got four dollars a day. And as one of my friends introduced me years later, he said he knew I was really worth thirty-five cents an hour.

Irvine: What did you have to do as an iceman?

Ogg: Mainly I had to carry ice to the Mountain Club. That was before they had refrigerators, electric refrigerators, so everyone used ice then. In the summer the Mountain Club and Iron Spring, all the Phoenix people that didn't go to the ocean came up on the railroad to Iron Springs or the Hassayampa Mountain Club. I was the iceman over at the Mountain Club. I said to my employer, "There's no way you can fire me. I'm the only man alive who

knows where all the houses are."

Irvine: What did the people in Prescott think about all the folks from Phoenix coming up in the summer?

Ogg: They kind of lived off them. But we were always glad when they went home. I was here during the depression but we didn't know it then. One day in talking to my dad I said "How's everyone making a living?" He said, "They all live off each other." There was only ranching as an industry, and mining.

Irvine: Was Prescott a good place to grow up?

Ogg: Oh, great. There was about six thousand people here for the first twenty years of my life. So if you went to high school here you were a big frog in a small pond. It was a real small town and everyone went to the football and basketball games because that was the only thing to do.

Irvine: What about when you went to the University of Arizona?

Ogg: I enrolled right after high school in the University of Arizona. I was thinking about NAU [Northern Arizona University] but NAU was smaller than Prescott High School then. So I went down to the University of Arizona. I thought it was tremendous. It was about two thousand students.

Irvine: How did you live? Did you work while you were there?

Ogg: I lived in Cochise Hall and I worked at the Alpha Phi house as a hasher. I also had a flower agency, Rosaro's Flowers, with my roommate. But my memories are not good about the flower enterprise. I only had it about two years because at one big formal we left the flowers on the heater and they turned the heater on. All the gardenias turned brown. It took a lot of nerve to give a fellow a brown gardenia. It even took more nerve, I guess, to give a girl a brown gardenia. That's when we went out of the flower business. We were broke. But during college, I can still remember that it cost ten dollars a month for the hall. I later became a resident, a hall resident, so my room was free. And [with] hashing, I was actually making money going to college.

Irvine: What kind of things did you study?

Ogg: My major was political science and economics. I was very bad in math. One time I asked some of my friends, if just for self discipline I ought to take

some math. So I took one college course. It was the only four I ever got in college, and that was a gift.

Irvine: Are there any of your professors or your classmates that you particularly remember?

Ogg: Oh, I remember them very clear. Dr. [Richard A.] Harvill was my econ professor. He later became president of the university. My roommate was a big tall fellow, like you, who was a tennis player from Glendale, Louis Myers. We roomed together for four years at 114 Cochise Hall. I stayed in the hall all four years. I never did join a fraternity. I was the first non-fraternity man elected student body president and Mo [Morris K.] Udall was the second.

Irvine: If you were involved in student government, what other things were you involved in in college?

Ogg: I was a class officer. I was in Sophos and Chain Gang. Sophos you would get in your sophomore year and Chain Gang was in your junior year. Then Bobcat was in your senior year. So I was in Sophos, Chain Gang and Bobcat.

We were horse cavalry then. So the first two years you marched behind the horses, that was quite an experience. If you made advanced military the last two years you would be officers in your senior year you would be an officer over the first year beginners. I was captured in the war [World War II] by the Germans and they had me in prison camp. They were really impressed by my pictures of my wife. And one German soldier said it looked like we captured a general. They found a picture of me on a big horse with my Sam Browne belt and all kinds of medals from college and carrying a saber.

A big tall guy looked good in the saber, but whenever I wore a saber and walked up steps they would clank, it looked like I was riding a stide horse. At Fort Riley, Kansas some of my friends were married on the post and it was tradition that they would pull the sabers and the bride and groom would march down between an aisle of sabers. I was only asked once because *I cut off the bridal veil with my saber, I was too short.*

Irvine: You met your wife at the University, right?

Ogg: Right.

Irvine: How did that happen?

Ogg: My sister introduced me to her. She was a pledge of Kappa. I was a houseboy at the Alpha Phi. And every time they rang the bell you would come out of the kitchen to find out what they wanted. But we ate very well. The houseboys ate better than the girls.

Irvine: So when did you meet her while you were in college?

Ogg: My sister, Betty Favour, introduced us. I took her out because she was a pretty little girl. One of the few girls that I could see over.

Irvine: Where was she from? How did she get to the U.of A.?

Ogg: She was from Illinois. She went to Knox college. Her mother was sent to Tucson by a doctor for her arthritis. So she and her sister went to the U.of A. She was a musician. I'm not a musician. The only thing I used to be able to play was the bugle. I learned to play the bugle in the Prescott American Legion Drum and Bugle Corps. So whenever we went camping I would blow reveille, get the other fellows out of the sack, and I'd blow taps at the end of the day. Oh, I'd blow "Soupie" sometimes for the meal.

Irvine: Then after the university you went into the military, right? Tell us about that.

Ogg: It was the old horse cavalry then. They sent us to Fort Riley, Kansas, All the old horse cavalry are hard to die, but fortunately they put my class in the mechanized cavalry. But down at the University of Arizona we were on horses all the time. We would charge from the university stables over towards the Catalinas with saber attack.

Dust. If you went in the first wave it was all right. If you went in the third wave you couldn't see anything. When the dust would clear there would be sabers sticking in cactus and horse's rears and guys were sticking themselves. Fortunately we didn't use any of those charges against the Germans, because one German soldier with a burp gun could have wiped out a whole troop of cavalry. It's one burst and they would all be wiped out.

Irvine: Where did you do your training for the military?

Ogg: At Fort Riley, Kansas. That was a military base.

Irvine: What you do after the training?

Ogg: After I graduated from Ft. Riley I was married in that ten day leave. I was married in the town of Lowner's Grove, Illinois.

Irvine: That's where your wife is from?

Ogg: Yes. They never had seen cavalry pants. So before I was married I thought I ought to have my cavalry pants sent to the cleaners and they pressed the cavalry pants with seams down the front. So I was the only cavalry officer that I know of who was married with seams down the front.

Irvine: Do you have pictures of that?

Ogg: I've got some.

Irvine: So you got married and immediately went off to war? Is that right?

Ogg: I was sent to Camp Forrest, Tennessee, and then we were sent up to guard the east coast. So from Massachusetts to Kennebunkport, Maine, we were in armored cars, jeeps and light tanks. We toured the East Coast. It was so cold the whole German corp could land while the 16th Cavalry was in Howard Johnson's drinking warm chocolate. Eventually we sailed from Camp Shanks, New York. We sailed on the Queen Elizabeth. The Queen Mary was docked right along side and it was filled with all the wounded who had just come home and they would yell, "You'll be sorry." That was the World War II cry, "You'll be sorry."

Irvine: Where did you ship out to and what were you doing over there?

Ogg: Eight days later on the high seas we came into Scotland. They pulled back the submarine net and the Queen Elizabeth sailed through. We landed in a little town called Grennock, Scotland. And from Grennock we got on the train and went down to Trowbridge, England. We were held there for a short time. At the time we were very disappointed because we didn't make the invasion. We were held in reserve. Now I'm mighty glad. Eventually, after the army took the beaches, we went across the channel in navy LST boats, armored cars, tanks, jeeps and everything.

I almost died at sea from seasickness on the Queen Elizabeth. They said no one would get sick on the Queen Elizabeth but we were down six decks, right above the engine room. I was in a little room that was made for two, but there were twenty-two second lieutenants in there. You could only

have the bed for three hours and then you had to get out.

Irvine: Three hours? You spent a lot of time on your feet.

Ogg: Too much for me. Then they had everyone trapped on the boat until they gave you all shots.

Irvine: Did you get seasick crossing the English Channel?

Ogg: No. Thanks for reminding me. I didn't get seasick on the little boat crossing the English Channel. I never get queasy on Lake Mead or Lake Powell in my little motor boat, but on the Queen Elizabeth I got awful sick. I finally said to a Limey sailor, "What can a fellow do for seasickness?" I said, "Is there any known cure?" He said, "Aye, Laddie, fifteen minutes under an oak tree." And he was right, that was the only known cure then. They have patches now that go behind your ears but they didn't have any back then. It took us eight days to cross the Atlantic. We went unescorted because they said no U-boat could ever go as fast as the Queen Elizabeth. After about three days out I was praying that the U-boats would catch us. I was so sick; my roommate, he ate his lunch and mine. I lost six pounds in eight days.

Irvine: What did you do after you landed in France? What happened after that?

Ogg: We went to Camp Twenty Grand. The camps there were all named after cigarettes. So from Camp Twenty Grand in France, we went through France and then into Germany.

Irvine: What job were you doing?

Ogg: By that time I was a first lieutenant. I had Troop B of the 16th Cavalry Reconnaissance. So when we got to France they sent us on. We went to France and Germany. We went into Germany at Trier, the old German university city. It was a lot harder crossing the Moselle than the Rhine. Just beyond the Moselle was the little town called Waldrach, Germany. I was called back to headquarters—we were in the Third Army, General Patton's Third Army—and they said, "We're going to drive to the Rhine." And my mission was to take Waldrach. So I went back to headquarters, it was about five miles in the rear, and I talked to some intelligence officers. They said the only German soldiers in Waldrach were Volkstürmer and Wehrmacht home on leave. So I kind of thought it was going to be a picnic. But what

they didn't know was, during the night, while we slept, a big ground troop division of the German army, had moved in. So as we charged into Waldrach they blew all the bridges into Waldrach so we were on foot. Only six men got into Waldrach. I was wounded and captured in Waldrach. So I was with the Germans for ten days.

Irvine: How did you escape?

Ogg: It wasn't sensational; we didn't dig a trench or tunnel. The British were bombing all day and the Americans all night. So the German Volksturm, when the bombs got falling, went into a wine cellar to get away from the bombs, and the Polish slave labor girls said, "There's no one guarding you." So an air corps lieutenant and I escaped. We asked a lot of other fellows, they didn't want to go because we really didn't know where we were going. We heard artillery in the distance and the Polish slave labor girls said, "That's the Third Army out there." We hoped it was and it was. So this air corps lieutenant and I crawled out of the German prison camp and we met up with some tanks and jeeps from the Tenth Armored Division.

Irvine: Where did you go after you got back to the American troops?

Ogg: That was a pretty good trick, getting back to the American troops because that was after the Battle of the Bulge and the Germans had a lot of American equipment. So if you were on the front line you weren't sure who was in that American equipment. So we saw some tanks coming, we hoped they were American and we walked across a field. The other lieutenant had his hands up. We had a heavy growth of beard--in those days my beard was black--and we yelled all kinds of things like, "Yanks," "F.D.R.," "We're Americans, don't shoot." All this time the one-o-five gun in the tank just followed us all across the field and some soldiers came out of the farmhouse and covered us with a machine gun. They kind of thought we were Americans and they looked at our dogtags and they believed us. They gave us a lot of chocolate to eat; we promptly ate it and threw it up because it was too rich for us, after what we'd been eating.

Irvine: Were you done with fighting at that point?

Ogg: Yes. I was machine gunned through the arm and a hand grenade in the side.

I was shot right here and it came out right here. It cut all my nerves at the time but they saved all the nerves but the ulna nerve. It controls your hand doing that. The muscle you have between your fingers. It's the only nerve that completely controls the little finger and half of this finger. So I can stick my hand in hot gravy or iced tea and I don't know the difference.

Irvine: Were you shipped back to America then?

Ogg: I was shipped back to England, after they deloused me. No one would talk to you until you went to a delousing tent. The doctor said, "Let me see your shot card." That was the only thing the Germans took, my shot card. I said, "Why, the Germans took my shot card." So I had to have all the shots again. Every time I had a typhoid shot I think I got typhoid because I got big lumps under my arms.

Irvine: How much longer were you in the military?

Ogg: I was in the military three years and three months. My first semester in law school, I did it on a leave from the army. They wanted to check on my arm and how the operations were coming along.

Irvine: When you came back did you start right into law school? Is that how it went?

Ogg: Yes.

Irvine: Why did you decide to go to law school?

Ogg: When I was in high school I ran for the county attorney in a mock election. John Favour and I were on the debate team in high school so I thought about going to law school for a long time. But during the war I had a permanent commission, so I was going to be a professional army man then. The Germans really did me a favor, because after they shot me up I couldn't be a regular army man. So I guess law school was my second choice.

Irvine: What was the U.of A. law school like in those days?

Ogg: It was small, and right across from the library at the main gate. It didn't have any air conditioning. I can still remember the bar exam, it was awful hot. I took the bar exam in the summer.

Irvine: How many students were in the law school in those days and what did you think about law school?

Ogg: I think there were about thirty-five students in my class. Stewart [L.] Udall and I were moot court partners. We had all kinds of Udalls. Stu, Mo [Morris K.] and Cal [Calvin H. Udall] were all in the school at the same time. Sam [Samuel P.] Goddard and Raul [Castro] were also in my class.

Irvine: Raul Castro? Do you remember any of the professors . . .

Ogg: Oh yes.

Irvine: . . . that were really good?

Ogg: My first year in law school Dean [James B.] McCormick was one, and finally he became president of the university, and John D. Lyons was the dean. We had [Claude H.] Brown and [Chester H.] Smith and Calvin Webster. We had a southern professor, he always said, "I refer you now to Fomo." I'm trying to think of his name, H. Moore, we called him Fomo. Feezer, [Lester W.] Feezer taught torts. I can remember all my classmates thought he should be more positive. Give us more rules. I later found torts wasn't all cut and dried.

Irvine: Did you like going to law school?

Ogg: Oh, yes, I enjoyed going. We lived out in the quonset huts on the old polo field.

Irvine: After you graduated from law school you moved back to Prescott. Did you think of ever moving any place else?

Ogg: No. This has always been my home. My folks' house burned down. It's about two or three blocks down on Cherry Drive.

Irvine: How did you go about starting practicing law in Prescott back in those days?

Ogg: As you were growing up, the old established lawyers said, "We'll send you lots of clients." They only sent you clients that didn't have any money and lots of problems. So for years I had lots of problems and not very much money. But it didn't cost much. I remember I had a legal secretary for a hundred and twenty-five dollars a month. My office was in the old Tilton Building, right next to the First National Bank. And real steep stairs. If you walked up to my office you'd be thinking about making out a will. As I recall, in those days you could make out a will for about five dollars. If it was real complicated it might be ten.

I still remember my books. The first month I made \$5.50. The \$0.50 was the notary fee. I think the \$5.00 was a will. I didn't collect much money but I was always busy. When I was elected judge I just closed all those books; I never did try to collect old accounts.

Irvine: What kind of cases do you remember doing?

Ogg: I would take all kinds of cases. That's the only way you could make a living. But I was a jack of all trades and wasn't an expert at anything. I can remember an old-time Prescott attorney, Charlie McDaniel said, "I have a bankruptcy case I wish you'd take." So I went out and immediately bought a book on bankruptcy. I never saw so many forms in my life. I made a couple of trips to Phoenix. I went clear up to Ashfork. My fee was two gallons of chocolate ice cream that was spoiled. My experience with bankruptcy has all been bad.

Irvine: As with most people. Did you have to travel to Phoenix much practicing law in those days?

Ogg: If you were going to argue before the Supreme Court you had to go. Otherwise we didn't go down to Phoenix, at least I didn't go down to Phoenix very much. I was in the county attorney's office and judge's office for twenty-four years here. Then I went to the court of appeals. My first office was in the Tilton Building just across from the Courthouse. At two o'clock upstairs they had tap dancing lessons, and a bunch of little girls tap danced from two to four right above you. You couldn't think, so I went over to the law library. It didn't hurt my practice. I wasn't that busy anyway.

Irvine: What about all the other lawyers in town? What do you remember about the Bar in Prescott in those days?

Ogg: I can remember there were twenty-six lawyers in the county when I graduated from law school. When I went to the court of appeals about twenty years ago there were under thirty lawyers in the county. I imagine there's about a hundred now.

There was one lawyer in the Verde Valley when I first came to Prescott, not counting the postmaster. Charlie Stemmer, the postmaster in Cottonwood, had the biggest law firm in Yavapai County.

Irvine: And he was the postmaster?

Ogg: Over in Cottonwood. He handled all real estate deals and he advised everyone in the Verde Valley.

Kay Norton, the lawyer, he usually had a sign hanging in his office, "Gone Fishing." But he bought up a lot of land, he became a very wealthy man.

Irvine: How did you become county attorney?

Ogg: I was deputy a long time, and when Dave [David H.] Palmer decided to retire, I ran. So I was county attorney during two terms and I faced my hardest election. It was hard in a lot of ways. I had to run against W.E. Patterson, who had been the judge here for about twelve years. There was only one judge in the county, one superior court judge. There were seven j.p.'s [justices of the peace]. But he thought for sure all the kids were going to hell. We were just a little county. We still are, compared to Maricopa and Pima Counties. But we ranked third in the number fo children confined; we were right behind Phoenix and Tucson on the amount of boys we had out at Fort Grant and the amount of girls we had at the Good Shepherd Home. All of a sudden the judge had a juvenile staff almost the size of the whole sheriff's office. He had the juvenile department carrying guns and radios. He was locking fellows up for necking. So I was talked into running for judge.

Irvine: So you ran against Judge Patterson and it was a real tough campaign. How was it hard.

Ogg: There was only one judge in the county, who set all probate fees and made all the court appointments. So if I lost I would probably have to move out of the county. That's why it was so hard. And Patterson was a good trial judge, I just disagreed with his juvenile policy. So that's why I first ran for judge. At the time I didn't know it was going to be my life's work.

Irvine: By how much did you win? Was it pretty close?

Ogg: Fortunately I had a big lead. My youngest son was about four years old. That was before television. That was back when each precinct would count their own votes and the first precinct that came in was Walnut Grove, down

near Yarnell. The vote was eight to six. I was leading eight to six. So Jeff said, "I think I'll go to bed. Dad won."

Irvine: Was being county attorney a part-time job?

Ogg: No. I worked at it full-time.

Irvine: All these years that you were in the military and in law school and practicing law, what was your wife doing?

Ogg: We had three children, so she had a full-time job. She was a girl scout leader, a boy scout and a cub scout leader and she was a piano teacher.

Irvine: Where did she live while you were in Europe?

Ogg: With her parents in Downers Grove, Illinois.

Irvine: Where did you live when you first moved back to Prescott after law school?

Ogg: In my folks first house. We had a rent contract for six months. Our oldest son was about three years old then. I had to watch home movies and the rent was free.

Irvine: It was a sweet deal from your parents. When you went to law school did you ever think of being a judge?

Ogg: No. It came as a shock to me. And I'm sure it shocked all my friends.

Irvine: How old were you when you became a judge?

Ogg: I was thirty-seven. In fact, I was the youngest judge in the state of Arizona, but now there's a lot younger.

Irvine: What was it like being the only judge in Yavapai County?

Ogg: Well, you've got to wear lots of hats. I tried all criminal cases, all civil cases, all juvenile cases, all probate cases, all the sanity cases. I also was the court of conciliation.

Irvine: What kind of staff did you have to help you do all these things?

Ogg: I had a secretary and one old fellow. I called him old. He acted a lot younger than I. He was about fifty. He was my old scoutmaster. So he was the bailiff, the adult probation officer, the juvenile officer and the librarian. I can still remember Noris coming up to me and he said, "They're going to pay me two-hundred-fifty dollars a month." That's more than I ever made in my life.

Irvine: Is that what you got as a judge when you started, two-hundred-fifty dollars

a month?

Ogg: That's what Noris made.

Irvine: How about judges? What did they make in those days?

Ogg: Seventeen thousand, five hundred.

Irvine: Becoming a judge, did that change your relations with all the other lawyers in town?

Ogg: It was a small town. Not as much as in a city. But it's kind of insidious. The first thing you know, as a judge you don't want to run around with them anymore, because you want to fight off the appearance that you might be partial. So whether you know it or not, you instinctively shy away from some of the comradeship you enjoyed.

Irvine: Your brother-in-law was one of the lawyers in town too, right?

Ogg: Right.

Irvine: How did you manage that?

Ogg: Every time he was going to be the lawyer in a case I tried to disqualify myself. I had lots of cases in Phoenix. They always called me to come down for some little matter like, should we have kindergartens or not?.

Frank [X.] Gordon [Jr.] up in Kingman called me up for a little case while he and Joan were going to float down the Grand Canyon. It was a hot case. I could hardly get in the parking lot at Kingman. I didn't know what the case was. I found that it was whether the county seat should be at Kingman or down at on the Colorado River. Needless to say, it was a hot case.

I tried a case for Mel [Melvyn T.] Shelley at Holbrook. Mel said, "Don't turn off the engine." It involved a Mormon bishop, the son of Holbrook's Mormon bishop and the daughter of Heber's Mormon bishop. They were in a big divorce and the issue was who was to have custody of the child. That was red hot.

Irvine: Were there any particularly red hot cases here in Yavapai County?

Ogg: Oh, yes. Lots of them. A Fourth of July didn't go by without a shooting or a stabbing on Whiskey Row. I can still remember talking, that we'd only had two drug cases in Yavapai County. One fellow on Highway 66 had come out

from L.A. and broke into the Rohrer-Bloom Drug Company and stole some drugs. There must be two a day now.

Probably the most fun I ever had at being a judge was when I was a Hopi tribal judge for six years.

Irvine: Yes, I saw that in one of the listings. Did you do trial work or the court of appeals work? How did you get into that anyway?

Ogg: At that time there was only one other Hopi that ever graduated from law school, Emory Sekaquaptewa. He teaches in the anthropology division down at the U.of A. His specialty, he's trying to develop a written language. So P.G. Rosenblatt--he's now on the federal court--and P.G., I and Emory were on the Hopi court of appeals. That's a good question, whether it was a trial court or appellate court. I thought it was an appellate court, but they didn't have any court reporter or transcripts, so we had to hear all the appeals all over. So on all the appeals, we'd hear the evidence. Emory Sekaquaptewa wanted to turn everybody loose and wanted to call all cases a tie. So P.G. and I talked to him. He said, "How do you think we've survived for so many centuries up on these Hopi mesas? The trouble with you white guys, you think someone has to win every case. You think there has to be a winner and a loser. Why doesn't everyone withdraw?" It's kind of an oriental philosophy. But that's kind of the Hopi philosophy and he was implying that's why they got along so well for centuries and centuries.

Irvine: Did you have to go up there very often?

Ogg: We'd only go up there about once a year; they'd only have about six appeals. Most appeals involved a Navajo, oh, getting drunk and interfering with some of their dances or ceremonies. But we had some murder cases.

The last case I can really remember clearly, some Hopi lady [who] had read or heard about a palimony case, so she sued a Hopi fellow for forty thousand dollars for alienation of affection. Forty thousand dollars, in his best day he had never seen five. So it was a *de novo* civil case; the Hopis don't have lawyers, they have tribal members acting as lawyers. Anyone who can speak English, I think that's the only qualification. It's because some of the judges couldn't understand Hopi or Navajo. So we heard all the testimony

and one Hopi said to the plaintiff, "Will forty thousand make you well?" She said, "Forty thousand will not only make me well but it will make me feel a lot better."

Irvine: How did you decide?

Ogg: We gave her a big zero. But what's amazing, as I look back on the practice of the law, I'm amazed at how well the losers all took it, how well the losers took the sentence or the judgment. That's probably the most amazing thing.

Irvine: When you were on the superior court?

Ogg: Especially on the superior court. I had a rule in Yavapai County, when we only had one judge, that I followed in any kind of domestic relation case. The sooner you try it the better. It's good for the peace and safety of the county and the peace, safety and mental health of all the participants. I used to find the facts and give my decision from the bench in all divorce and custody cases, especially where there were children involved. I would always try to talk to the children in chambers because the children will give you a better shot, usually, than the adults. But you had to watch out for programmed children. If a boy or a girl has been living with the mother for six months I would ask the child about the father. The child would say something like, "Why that no-good drunken thing," If the child had been with the husband for six months, I would just get the opposite.

Every case was kind of different, but it doesn't take you long to size people up. And as juvenile judge if you'd meet the children and say to yourself, "How did the kids ever get like this?" all you would have to do was to meet the parents. I saw lots of divorce cases where a man and a wife deserved each other. I hated to turn them loose on the general public.

Irvine: Prescott was growing real fast in those days, wasn't it? Did that cause you any trouble as a judge?

Ogg: After World War II it started growing. It caused me trouble because we were so busy. I heard juvenile cases and reciprocal support cases during the recess of a trial. As Mary Fran, my wife, could tell you, every Monday we had law and motion day. All the lawyers would come and tell on each other: That so and so didn't live up to this statute on this deposition. At the juvenile

court I had to do most of my sentencing on Monday.

Irvine: And she still smiles about it.

Mrs. Ogg: I tried to be very busy on Monday when he was sentencing.

Irvine: What was the longest trial you had to do as a trial judge?

Ogg: The Mast case. It was a murder case where the car was about a hundred yards inside Yavapai County. I told Frank Gordon, he must have instructed the sheriff to pull the car into Yavapai from Mohave County. It involved a fellow and his wife from Tucson. He drove over the edge of the road and then set it on fire. But it was a hung jury, eleven to one. The case was tried a second time, it was a hung jury, ten to two. The third time I didn't try it.

Irvine: How long did the trial last?

Ogg: The trial lasted a month. As you well know, on a hung jury, everything is just continued. So we went back and tried it again for a month. It was a hung jury again.

Irvine: Did you get to know the lawyers in the case real well?

Ogg: Oh, overly well. I knew exactly what they were doing. Mast never took the stand. In fact, if he took the stand, the prosecution could, well, bring in a lot of letters that his deceased wife sent out, saying, "I'm in great danger." But there was a case on the books from Fort Riley, Kansas, after World War I involving a doctor and his wife, and Judge Cardoso said you can't testify from the grave, especially when it was husband and wife. Through the years they might want to get one another. All you'd have to do is write a letter to a friend saying, "I think my wife is going to poison me," then commit suicide. But since then there have been some Arizona cases going the other way. So it would be interesting to try the Mast case under one theory and try it under the other theory. But as you know, if a defendant doesn't testify that's pretty hard. But if he testifies and they brought in the letter, that would also be hard. In the first trial Judge Tullar, from Tucson, was subpoenaed up here. But he never testified, because he had brought a letter that Mrs. Mast sent him. It was a hard case.

Irvine: How did a trial that long affect all your other work?

Ogg: It just stacked up. It affected it pretty bad. In a one-judge county it was real

bad. I was handling sanity matters and juvenile matters during the recess or after the trial was over so we could get it done. Because on an insanity case you just can't say, "Wait for a month until we finish this."

Irvine: I think Yavapai County got a second judge about the time you stopped being a judge.

Ogg: Yes. That's right.

Irvine: Had you been working for that for some time?

Ogg: I knew we were entitled to it, so when I went on the court of appeals P.G. Rosenblatt and Jim Hancock were appointed to replace me. Now they have three judges plus a court commissioner who handles orders to show cause and the court commissioner handles juvenile cases too. But probate and adoption, that was the most enjoyable thing; and naturalization.

Irvine: You got re-elected three times. Did anyone ever run against you?

Ogg: Not for superior court judge. I had to run against Williby [E.] Case [Jr.] for judge of the court of appeals. But after that first race, no one ever ran.

Irvine: Why did you decide to run for court of appeals?

Ogg: I really don't know. At the court of appeals, you kept your district. See, I represented all the north, so I went down to the court of appeals and came back here to my home.

Irvine: When you were superior court judge, did you and the Supreme Court ever disagree on things?

Ogg: Oh, a few times. In the court of appeals we disagreed. We agreed and disagreed. Every time you were affirmed, they agreed. Every time you were reversed they disagreed.

Irvine: Is that sort of hard for a judge to take sometimes, getting reversed?

Ogg: It wasn't for me. I never kept track of that.

Irvine: How is it different being a court of appeals judge and a superior court judge, for you?

Ogg: The fact that there's a lot going on and action down at the superior court. As I used to tell my friends, going to the court of appeals was kind of like going to a nunnery. It was very quiet. As a superior court judge I thought I might die from sitting on my fanny so much. As a court of appeals judge I

thought I might die from writing.

Irvine: Did you enjoy the work of being a court of appeals judge?

Ogg: I think I enjoyed the work more of being a trial court judge, because you're dealing with real live people all the time. The first criminal case I was appointed to handle after I got out of law school, I felt more like I was a lawyer then than at any other time. As you know, in the county attorney and the attorney general's office you get a lot of criminal jury trials. You probably get more in a year there than working for twenty years in regular practice. I was in lots of jury trials.

Irvine: Did you enjoy doing those?

Ogg: Oh, you bet. Jury trials, as you know, you get to be kind of a ham actor and you would get to talk to the people. In jury trials it's a lot like debating and acting.

Irvine: In the court of appeals you just see the lawyers, right? What did you generally think of the lawyers who appeared before the court?

Ogg: Usually very good. I tried a few cases for the Supreme Court. One involved a judge and the county attorney who was going to run for judge and the issue was whether the county attorney had to resign before he could run for judge. So as a court of appeals judge I sat as a trial judge. As a court of appeals judge, I would try a case in the superior court, usually a divorce and child custody, to kind of keep me humble. I'd rather try a murder case than a child custody. The civil law is a lot harder and more complicated than the criminal law.

Irvine: Looking back as far as from when you started being a judge to now, do you think it's harder to be a judge now than it was back then? Or is it different or is it--how did it change while you were a judge?

Ogg: It takes people to cause a dispute, so the more people we get crowded into Arizona the more laws that you're going to have, the more fender-benders and the more disputes of all kinds. So as we get more and more people there's going to be more and more fights. So I think the practice of law is going to be filled with more fights and chaos as it goes down the road. A good example of that, when I first practiced law the ranchers in Yavapai

County, they really didn't care where their boundaries were. But as land got more valuable they started surveying everything. The old meets and bounds descriptions didn't really jibe with the surveys, so when one rancher would get his ranch surveyed all the ranchers around him would immediately call for a survey. Why in the old days you could buy five acres out there for ten to twenty-five dollars. Even after World War II my brother-in-law and I went over to Oak Creek and we looked at, I think it was ten acres, and they wanted a hundred and fifty dollars an acre, but you had to build a bridge across the creek to get to it. I imagine it's now worth a hundred-fifty thousand. I had all kinds of clients when I was a lawyer that I told, "Don't buy any land on the east side because it'll never be any good." It's all shopping centers and condos now. But they were going to pay the exorbitant price of a hundred dollars an acre. I couldn't even visualize it.

- Irvine: I guess you haven't gotten rich on real estate speculation here in town then.
- Ogg: The wisest thing we did, we bought this tract of land here for about, what?
- Mrs. Ogg: Twelve hundred.
- Ogg: Twelve hundred dollars.
- Irvine: How long have you lived here?
- Ogg: It'll be thirty-eight years now.
- Mrs. Ogg: No. It was thirty-nine last June.
- Ogg: Thirty-nine? I'm like that.
- Irvine: A good long time. When you were on the court of appeals you drove down to work and came back up here? How did that work?
- Ogg: Driving was a lot easier. In fact just going through Prescott and down, we saw more cars today coming back from Tucson than I would usually see in a month.
- Irvine: Did you drive down every day or just during the week?
- Ogg: No, I'd drive down and stay down, then I'd come back. We always have lived here. My granddad said to my father, "Why did you buy some land out here with all these rocks and pine trees. You could have gone out to Chino Valley and at least grown something?" Pine trees and rocks, to a farmer that's only trouble.

Irvine: I think while you were on the court of appeals it doubled in size. Did that make it harder to decide things?

Ogg: Each thing that gets bigger makes it harder. You've got that many more people that have to agree. And the logistics for a lot of people are a lot harder. The smaller it gets the easier it is. That's true in anything.

Irvine: Do you have any opinions you wrote or cases you worked on that you particularly remember or you thought were noteworthy?

Ogg: I wrote the decision in the Frank Kush case, the football-kicking case. Judge Tom Kleinschmidt was the trial judge. After dozens of transcripts and the exhibits, I think justice was done. So reaffirmed.

Irvine: I've seen that opinion, it's about fifty pages long. How much time did you put into working on a case like that?

Ogg: It took me about a month. It was a long case. But after reading all the testimony Kush wasn't near as mean as our coach in Prescott High School.

Irvine: Well, we've been going a long time. What have you been doing since you retired? Let's finish this off here.

Ogg: I take care of the flowers and I like to garden. That's my main activity. I still like to fish but I can't cast too well. I just ride the boat around and I'm reduced to using a worm now. I used to like to play golf and go out camping, but now I mainly just like the campfire. I'm supposed to go quail hunting with Cal Udall down in the desert next week, down around Aguila [Arizona]. But unfortunately you have to chase the quail. I can't do that. So I just wait for the hunters to come back and listen to the wild stories. But those stories are pretty much as I remember it.

Irvine: Thank you very much.

Ogg: Oh, thank you.

End of interview.

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