

**Biographical Sketch for The Historical Society**

**of the Tenth Circuit on**

**Judge Stephen S. Chandler, Jr.**

**by Lee R. West, USDC WD of Oklahoma**

For reasons I dare not dwell too much upon, I have been asked to reflect upon the career of one of the renegades of the District Court for the Western District of Oklahoma: Stephen S. Chandler, Jr. Chandler's long judicial career was spent camped firmly on the outer banks of orthodoxy. While one naturally shies away from exposing a man's demons after his passing, a fair glimpse of Judge Chandler is impossible without acknowledging those demons he battled so fiercely. By the time he took senior status in 1975, Chandler had compiled an impressive list of those he considered to be his enemies. It included local lawyers, politicians, and business tycoons. It included his fellow district court judge Luther Bohanon, and international oil magnate Armand Hammer. It reserved a singular place for Tenth Circuit Judicial Conference which attempted to rein in his eccentricities, and at the very top of the list was Court of Appeals Judge Alfred P. Murrah, the man Chandler credited with spearheading a conspiracy to destroy him from the moment his name was put forth for nomination to the bench.

Chandler was certain that his enemies employed agents to spy upon him, tapped his phones, surveilled his house, and stood at the ready to poison his water carafe or even strap a bomb beneath the hood of his long white Cadillac convertible. A man living in such perceived peril could not be too careful, and it was incumbent upon him to employ all the tools at his disposal to thwart his adversaries and their schemes. After all, Stephen Chandler firmly believed that it was not merely himself whose elimination his enemies so

craved. It was also the sacred independence of the trial judge and, for a time, he was its avatar.

In his fascinating 1974 book, *The Benchwarmers*, Joseph C. Goulden recounts that:

At one stage of [Chandler's] fight [with the Tenth Circuit Judicial Council], Clarence Allen, the Tulsa Tribune cartoonist, sketched a dripping-wet and most angry tiger labeled "Chandler Case" on the doorstep of the Tenth Circuit Judicial Conference, a weight tied to his neck. In the window a worried judge is whispering to a colleague, "Doesn't look like the tabby cat we kicked out." The cartoon so pleased Chandler that he distributes enlarged prints to visitors. "Just call me," Chandler said during one of our chats, "The Tiger Who Drinks Wild Turkey."<sup>1</sup>

The tiger allusion aptly reflected the ferocity with which Chandler confronted his adversaries. In retrospect it also suggests the nine lives he seemed to possess. No matter how many times his opponents had him on the ropes, Chandler always managed to survive.

Stephen Chandler was born on September 13, 1899 in Blount County, Tennessee, in the shadow of the Great Smokey Mountains. After earning his law degree at the University of Kansas in 1922, Chandler spent 21 years in private practice before being tapped by Senator Elmer Thomas for one of Oklahoma's three district court vacancies. His appointment and confirmation to the bench presented the first test of his survival skills.

In 1940, Chandler's nomination was proposed to the United States Justice Department as part of a three-nominee package that also included Royce Savage and Bower Broaddus. Savage and Broaddus were uncontroversial choices, but the Justice Department balked at the Chandler nomination. Whether due to concerns over Chandler's

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<sup>1</sup>Goulden, Joseph C., *The Benchwarmers: The Private World of the Powerful Federal Judges*. New York: Weybright and Talley, 1974, at 210.

lack of courtroom experience or his reputation as something of a sharp business operator, the Justice Department appeared ready to stall all three appointments. Eager to fill as many of the vacancies as possible, Judge Orie Phillips, chief judge of the Tenth Circuit, dispatched to Washington his junior colleague, the thirty-five year old Alfred P. Murrah.

Judge Murrah had been elevated to the appeals court just a month before, after having served three years as district judge for the Western District of Oklahoma. Murrah persuaded Senator Thomas to relent from his demand that the three nominations proceed as a package and Chandler was left to "stand or fall on his own merits."<sup>2</sup>

By the close of 1940, both Royce Savage and Bower Broaddus were confirmed. Nearly two more years would pass before Chandler took the bench. Although the delay was at least in part attributable to his past conduct – in opposing his nomination, one senator unearthed an unsavory incident in which Chandler paid \$3,000 to a stenographer who in 1937 accused him of assault – Chandler became convinced that an intricate conspiracy was working to subvert him.<sup>3</sup> Chandler's nomination was finally confirmed in May of 1943, by the rather narrow margin of 37 yeas and 28 nays, with 31 not voting. The ordeal left a bad taste in Stephen Chandler's mouth and may have been the genesis of his feud with Alfred P. Murrah. That feud would, over the decades, become epic.

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<sup>2</sup>Report of Special Counsel Walter D. Hansen to the Judiciary Committee of the United States House of Representatives regarding the Investigation of Judicial Behavior in the Tenth Circuit United States Court of Appeals, at 11 (1968).

<sup>3</sup>Senator William Langer (R., S.D.) declared that even if Chandler was innocent of the charges, and settled the matter simply to avoid embarrassment or publicity, the incident indicated a weakness of character that disqualified him for the appointment. *Id.* at 12-13.

Judge Murrah's office at the Federal Courthouse in Oklahoma City was adjacent to Chandler's, and the two skirmished over such apparently trivial matters as office accommodations,<sup>4</sup> the hiring of administrative personnel, and even parking spaces.<sup>5</sup> The feud grew more heated when Chandler was appointed chief judge of the district in 1956, and assumed greater administrative duties. It began to positively boil once Murrah's long time friend, Luther Bohanon, was appointed judge for the Western District of Oklahoma in 1961.

Although Chandler had been convinced during his confirmation process that Bohanon had conspired with Murrah to keep him off the bench, over the years, Chandler and Bohanon had developed a relatively cordial relationship. Prior to his appointment to the district court, Bohanon represented Occidental Petroleum Company in a complicated bankruptcy matter before Judge Chandler.<sup>6</sup> After Bohanon's confirmation, his partner Bert Barefoot represented Occidental in the matter. Chandler became suspicious that Occidental's legal maneuvers were the result of its CEO, Dr. Armand Hammer's improper securities speculation. Chandler issued rulings intended to foil what he saw as Occidental's fraudulent schemes, and even called hearings, from which Occidental's

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<sup>4</sup>When the present courthouse was being constructed in Oklahoma City, Judge Chandler took it upon himself to conduct an inspection of the site. He immediately noticed that Judge Murrah's chambers included a shower in his personal bathroom. Chandler promptly summoned the architect and demanded that the chambers of the district court judges be likewise equipped. The result was a significant delay as blueprints were redrawn and construction altered.

<sup>5</sup>*The Benchwarmers*, at 214.

<sup>6</sup>The underlying matter was styled: In the Matter of the Parker Petroleum Company, Inc., No. 10807 (W.D. Okla.).

officers and counsel were excluded, to discuss the situation.<sup>7</sup> In the course of the hearings Chandler called Armand Hammer a "wolf" and a "pirate," and accused him of trying to misappropriate the assets of the companies involved.<sup>8</sup> Word of the hearings reached Occidental, which moved to have Chandler disqualified from the case.

On April 20, 1962, with the full participation of Judge Murrah, the Tenth Circuit, upon recommendation of the Judicial Council, ordered Chandler removed from the case on the ground that "[t]he judge has a personal enmity, hostility, bias, and prejudice against Occidental and cannot therefore fairly and impartially hear and determine any matter involving Occidental."<sup>9</sup> Three days later the circuit judges received Chandler's letter dated April 19, 1962, urging that Judge Murrah recuse himself from the Occidental matter on the ground that his hostility toward Chandler and his relationship with Occidental's former counsel, Luther Bohanon, tainted his judgment. The Judicial Council ordered Chandler to appear in person to support his charges. It heard out Chandler's rambling monologue in which he alleged, among other things, that Murrah and Bohanon were attempting to cause him a nervous breakdown or to drop dead of a heart attack so that they could wrest from

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<sup>7</sup>In-chambers, pre-trial conferences were a renowned component of Chandler's judicial practice. Chandler was reputed to dislike trying cases. Instead he would set a date for pre-trial conferences, convene as many as twenty lawyers in his office and pass out cigars to all in attendance. He virtually insisted that the cigars be lit. Thus, in a fabled "smoke-filled room" he would take up each case and query why it could not be resolved. Any lawyers whose cases failed to settle before the next conference date would again be called into the smokey office for another round. Eventually, most of Chandler's cases settled.

<sup>8</sup>*The Benchwarmers*, at 227.

<sup>9</sup>Occidental Petroleum Corporation v. Chandler, 303 F.2d 55, 56 (10<sup>th</sup> Cir. 1962), cert. denied, 372 U.S. 915(1963), am., 372 U.S. 928 (1963).

him the chief judge position and thus control the district court.<sup>10</sup> Ultimately, the council declined to withdraw his disqualification. Chandler's appeals of the order were fruitless.

By 1965, Judge Chandler faced battles on multiple fronts. The Tenth Circuit disqualified him from a second case, this one a \$25 million breach of contract action against Texaco, Inc. After Chandler made several pretrial rulings unfavorable to the company, Texaco moved for his disqualification on the ground that one of the lawyers for the plaintiffs was representing Chandler personally in a defamation case then before the Tenth Circuit. On December 27, 1965, the Tenth Circuit disqualified Chandler from further proceedings in the case.<sup>11</sup>

The defamation case to which Texaco referred arose out of perhaps the most complicated tangle of the "Chandler Mess," as it was to become known. In the late 1950s, a multi-million dollar Oklahoma investment firm, Selected Investments Corporation, underwent a spectacular collapse resulting in tax litigation in state court and bankruptcy litigation in federal court. The bankruptcy litigation led to the indictment of Selected's CEO Hugh Carroll for mail fraud and conspiracy. In 1964, a federal grand jury was convened and Hugh Carroll was called to the stand as the first witness. The consequence was the indictment of Oklahoma Supreme Court Justices Nelson S. Corn and Earl Welch on five counts each of tax evasion. Corn pleaded "no defense" to the tax evasion charges and

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<sup>10</sup>*The Benchwarmers*, at 230.

<sup>11</sup>Texaco v. Chandler, 354 F.2d 655 (10<sup>th</sup> Cir. 1965), cert. denied, 383 U.S. 936 (1966).

was sentenced to eighteen months in federal prison. Welch went to trial and was convicted on all counts.<sup>12</sup>

Judge Chandler stepped into the Selected Investments debacle when the company was declared bankrupt in 1958. By early 1965, Chandler was well familiar with the seamiest aspects of the case and had even gleaned that the public revelations of criminal misconduct by Justices Corn and Welch had only scratched the surface of the corruption that had undermined Oklahoma's Supreme Court. On December 19, 1965, Justice Corn was released from federal prison after serving less than five months of his tax evasion sentence. Prior to his release, Corn had sworn out a statement and Chandler had obtained a copy. It was a bombshell. Among other revelations, Corn admitted that Hugh Carrol had paid him a bribe of \$150,000 for a favorable ruling in the Selected Investments tax case. Of the \$150,000, Corn paid \$7,500 to Earl Welch and \$7,500 to Justice N.B. Johnson for their votes in the case. Corn admitted accepting bribes to swing other cases as well.

Chandler was sickened by the corruption. He was aware that the copies of the statement were in the hands of both the U.S. Attorney and the Oklahoma County attorney. Neither showed any inclination to act, and Chandler was sure that the state's entrenched political actors would bury the story out of fear that an outraged public might demand wholesale reform. Chandler believed that as a federal judge, his hands were tied. To

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<sup>12</sup>The definitive account of the Oklahoma Supreme Court scandal is set forth in Justice William A. Berry and James Edwin Alexander's book, *Justice for Sale: The Shocking Scandal of the Oklahoma Supreme Court*. Oklahoma City: Macedon Production Company, 1996.

ensure that Corn's admissions were made public and that the corruption still infecting the Oklahoma Supreme Court would be exposed and rooted out, Chandler turned to Oklahoma Supreme Court Justice William A. Berry. In Justice Berry's invaluable 1996 book, *Justice for Sale*, he recounts how on January 12, 1965, the reclusive Chandler phoned him requesting that he come to his house that very evening. When Berry arrived on his doorstep, Chandler hurried him into the entry hall, secured an elaborate series of bolts and locks, then dropped Corn's sworn statement into Berry's lap. After waiting a few moments for Berry to digest the sordid story, Chandler asked, "Now that you have read it, what are you going to do about it?"<sup>13</sup> The switch was thrown and one of the most squalid scandals in Oklahoma's history was exposed to light.

Even before Justice Corn's stunning confession, Chandler was aware that irregularities permeated Selected Investment's state court tax case. He was, therefore, inclined to closely scrutinize the details of its bankruptcy. One such detail was a claim against the corporate estate filed by Selected's tax attorney William Howard "Pat" O'Bryan for well over \$1 million in attorney fees. When the trustee challenged the claim, Chandler ordered an investigation of Pat O'Bryan and his fee arrangement with Selected. The investigation uncovered evidence that convinced Chandler that O'Bryan had attempted to perpetrate a fraud on the court. Chandler not only disallowed the claim, but also disbarred O'Bryan from practice in the Western District of Oklahoma.<sup>14</sup> Over the ensuing years,

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<sup>13</sup>William A. Berry and James Edwin Alexander, *Justice for Sale: The Shocking Scandal of the Oklahoma Supreme Court*, at 5.

<sup>14</sup>Investigation of Judicial Behavior in the Tenth Circuit United States Court of Appeals, at 25.



O'Bryan brought a succession of defamation actions against Chandler.<sup>15</sup> Chandler defended himself vigorously, asserting that judicial immunity was critical to maintaining an independent federal judiciary.

Meanwhile, Chandler brought all his powers to bear in a futile effort to secure a criminal indictment against O'Bryan. Chandler finally ventured a bit too far when in August of 1965, he released an "official statement" to the *Oklahoma Journal* claiming he had furnished evidence to prosecutors showing "beyond any reasonable doubt" that O'Bryan was "an accomplice if not the mastermind" of the \$150,000 bribe to Judge Corn in the Selected tax case. When Chandler edited out some of the more inflammatory language before filing the "official statement" in court, O'Bryan saw his opportunity. In December of 1965, he filed a state court action for libel based on the statement published in the *Oklahoma Journal*. The matter went to trial in early 1967, and a jury awarded O'Bryan \$40,000 in compensatory damages and \$10,000 in punitive damages.<sup>16</sup> O'Bryan would spend the better part of the next decade defending his victory against Chandler's increasingly aggressive removal actions and appeals.

In the fall of 1965, Chandler was indicted for fraud. He was charged with having conspired to appropriate state-owned assets for the building of private roads on a parcel

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<sup>15</sup>See, e.g., *O'Bryan v. Chandler*, District Court of Oklahoma County, No. 6153, (Sept. 25, 1963); *O'Bryan v. Chandler*, 219 F.Supp. 51 (W.D. Okla. 1964), 352 F.2d 987 (10<sup>th</sup> Cir. 1965), cert. denied, 384 U.S. 926 (1966)

<sup>16</sup>*O'Bryan v. Chandler*, District Court of Oklahoma County, State of Oklahoma, Case No. 170-787 (Dec. 8, 1965).

of real property he was developing as a residential subdivision.<sup>17</sup> Chandler defended that the road in question was, and had always been, a public road. The indictment was quashed when an Oklahoma State judge found the evidence presented to the grand jury was insufficient to show that a crime had been committed. In the course of the proceedings, however, Chandler sought to remove the case to federal court claiming that the indictment was the result of an intricate criminal conspiracy pursuant to which Judge Murrah, Judge Bohanon, Pat O'Bryan, and even Armand Hammer sought to obstruct and impede his actions as judge of the United States District Court, and to control the courts making up the Tenth Circuit.<sup>18</sup>

Chandler's disqualifications, his outlandish accusations against district and circuit judges, and his personal involvement in both civil and criminal litigation did not go unnoticed. His travails were a regular feature in the local newspapers and they were an unending source of frustration and embarrassment to the Tenth Circuit Court of Appeals. Inexorably, they led to a showdown with the Tenth Circuit Judicial Council.

The Tenth Circuit Judicial Council was created in 1939 when Congress, at the urging of several prominent judges who desired a statutory framework by which to "put their own house in order," drafted legislation creating a council for each circuit.<sup>19</sup> Pursuant

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<sup>17</sup>State of Oklahoma v. Chandler & Kessler, Oklahoma District Court for the Seventh Judicial District, Criminal No. 43299 (Nov. 9, 1965).

<sup>18</sup>Investigation of Judicial Behavior in the Tenth Circuit United States Court of Appeals, at 32.

<sup>19</sup>See Chandler v. Judicial Council, 398 U.S. 74, 85 (1970) (quoting the legislative history of 28 U.S.C. § 332).

to 28 U.S.C. § 332, the councils "shall make all necessary orders for the effective and expeditious administration of the business of the courts within its circuit."<sup>20</sup>

Julius Caesar is reputed to have said that "all bad precedents begin as justifiable measures." No doubt the Tenth Circuit Judicial Council believed it was taking justifiable measures when, on December 13, 1965, it entered an order stating that "until the further order of the Judicial Council, the Honorable Stephen S. Chandler shall take no action whatsoever in any case or proceeding now or hereafter pending in the United States District Court for the Western District of Oklahoma; that all cases and proceedings now assigned to or pending before him shall be reassigned to and among the other judges of said court; and that until the further order of the Judicial Council no cases or proceedings filed or instituted in the United States District Court for the Western District of Oklahoma shall be assigned to him for any action whatsoever."<sup>21</sup> Chandler immediately filed a petition for prohibition with the United States Supreme Court, which denied relief finding that the Judicial Council's order was entirely interlocutory. On February 4, 1966, the Judicial Council superceded the December order with an order permitting Chandler to continue to sit on cases filed and assigned to him as of December 28, 1965, but apportioning all subsequent cases to other Western District judges.<sup>22</sup>

When the Chandler Mess made its way once more to the Supreme Court, Justice Douglas, in his dissenting opinion, labeled the case "the liveliest, most controversial

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<sup>20</sup>28 U.S.C. § 332.

<sup>21</sup>See Chandler v. Judicial Council, 398 U.S. 74, 77-78 (1970).

<sup>22</sup>Id. at 80-81.

contest involving a federal judge in modern United States History."<sup>23</sup> The Supreme Court, in its majority opinion, sidestepped the mire and found it lacked appellate jurisdiction over the matter. Justices Douglas and Black dissented strenuously arguing not only had the Judicial Council's action given rise to a case in controversy, but that the Council had moved against Chandler "with all of the sting and much of the stigma that impeachment carries."<sup>24</sup> Justice Douglas found the matter to turn precisely upon the independence of the federal judge:

What the Judicial Council did when it ordered petitioner to 'take no action whatsoever in any case or proceeding now or hereafter pending' in his court was to do what only the Court of Impeachment can do. If the business of the federal courts needs administrative oversight, the flow of cases can be regulated.... But there is no power under our Constitution for one group of federal judges to censor or discipline any federal judge and no power to declare him inefficient and strip him of his power to act as a judge.

The mood of some federal judges is opposed to this view and they are active in attempting to make all federal judges walk in some uniform step. What has happened to petitioner is not a rare instance; it has happened to other federal judges who have had perhaps a more libertarian approach to the Bill of Rights than their brethren. The result is that the nonconformist has suffered greatly at the hands of his fellow judges.<sup>25</sup>

Concurring in Douglas's dissent, Justice Black predicted a bleak future: "I fear that unless the actions taken by the Judicial Council in this case are in some way repudiated, the hope for an independent judiciary will prove to have been no more than an evanescent dream."<sup>26</sup>

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<sup>23</sup>Id. at 130.

<sup>24</sup>Id. at 135.

<sup>25</sup>Id. at 136-37.

<sup>26</sup>Id. at 143.

The Chandler Mess became the subject of national headlines and in 1966, the House Judiciary Committee announced it would undertake an investigation of judicial behavior in the Tenth Circuit Court of Appeals. The committee retained Washington lawyer Walter D. Hansen as special counsel for the investigation. On April 30, 1968, at the conclusion of his exhaustive investigation, Hansen submitted his final report to the Judiciary Committee. It was labeled confidential, and was never made public. Hansen's report detailed the various charges launched against Judges Chandler, Murrah, and Bohanon, and concluded that the controversy was the product of "personal and political rivalries of long standing. Strong willed individuals, jealous of personal and official prerogatives engaged in a series of encounters that has brought discredit to them personally and has demeaned administration of justice in their courts."<sup>27</sup> In the end, Hansen's investigation uncovered no evidence that would support a charge of impeachment against any of the judges investigated. "If any of the judges should be removed because they are unfit to discharge their responsibilities, the only mechanism provided by the Constitution, impeachment, is not available."<sup>28</sup> Hansen went on to pronounce his determination that the Tenth Circuit Judicial Council's action purporting to strip Chandler of his duties was "completely beyond the legal authority of the Council. Such action is forbidden by the Constitution. Congress has never authorized circuit judges

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<sup>27</sup>Investigation of Judicial Behavior in the Tenth Circuit United States Court of Appeals, at 72.

<sup>28</sup>Id.

to inquire into the fitness of a district judge to hold his office and to remove him if they so determine."<sup>29</sup>

If Chandler was chastened by his experiences with the Judicial Council and the Judiciary Committee, there was no reflection of it in his work. He escalated his efforts to overturn the libel verdict won by Pat O'Bryan. In 1966, Chandler had attempted to have the litigation removed to federal court, but Judge Richard B. Austin of the United States District Court for the Northern District of Illinois, sitting by designation in the Western District of Oklahoma determined that the state libel action was not removable and remanded the action to state court where O'Bryan won his verdict.<sup>30</sup>

Sometime during trial, O'Bryan altered his libel petition over Chandler's objection. In response to the amendment, Chandler filed a second petition for removal to federal court. While the second removal was pending, Chandler "filed a declaratory judgment action 'in the nature of a Bill of Peace' in the federal district court, seeking to enjoin O'Bryan from any further litigation and to expunge the state libel judgment."<sup>31</sup> Chief Judge Frank J. Battisti of the United States district court for the Northern District of Ohio was assigned to hear the second petition for removal and the declaratory judgment action. Judge Battisti held the petition to remand in abeyance while he took evidence on the declaratory judgment action. In a move reminiscent of Caesar's admonition, Judge Battisti granted a motion for summary judgment in favor of Chandler in the declaratory judgment

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<sup>29</sup>Id.

<sup>30</sup>See Chandler v. O'Bryan, 311 F.Supp. 1121 (W.D. Okla. 1969) (describing Judge Austin's oral ruling).

<sup>31</sup>See O'Bryan v. Chandler, 496 F.2d 403, 406 (10<sup>th</sup> Cir. 1974).

action, holding that he was judicially immune from liability for the allegedly libelous acts at the heart of O'Bryan's claim. He further ordered the state court to expunge the libel judgement from its records and ordered the issuance of a writ prohibiting the state courts of Oklahoma from further proceedings on the matter.<sup>32</sup> O'Bryan appealed and the Tenth Circuit reversed and remanded, holding there was no federal jurisdiction over Chandler's declaratory judgment action, and finding Judge Battisti's injunction against further proceedings in the state court to be improper.<sup>33</sup>

When the case went back to Judge Battisti for his consideration of the removal petition he had held in abeyance, he ruled in favor of Chandler on the removal<sup>34</sup> and once again granted Chandler's motion for summary judgment on the removed libel suit on the ground of judicial immunity.<sup>35</sup> The expungement of the state libel judgment stood. In what had become a familiar exercise, O'Bryan appealed once more. In 1974, an exhausted Tenth Circuit affirmed the district court.<sup>36</sup> O'Bryan's single moment of vindication was snatched away for good when the Supreme Court denied certiorari.<sup>37</sup> After more than a decade, the Chandler – O'Bryan litigation had reached the end of its byzantine course.

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<sup>32</sup>Chandler v. O'Bryan, 311 F.Supp. 1121, 1125 (W.D. Okla. 1969).

<sup>33</sup>Chandler v. O'Bryan, 445 F.2d 1045 (10<sup>th</sup> Cir. 1971); cert. denied, 405 U.S. 964 (1972).

<sup>34</sup>O'Bryan v. Chandler, 356 F.Supp. 714 (W.D. Okla. 1973).

<sup>35</sup>O'Bryan v. Chandler, 356 F.Supp. 719 (W.D. Okla. 1973).

<sup>36</sup>O'Bryan v. Chandler, 496 F.2d. 403 (10<sup>th</sup> Cir. 1974).

<sup>37</sup>O'Bryan v. Chandler, 419 U.S. 986 (1974).

Also, in 1974, Chandler made waves when he ordered esteemed United States Attorney William R. Burkett, four of his assistants, and an attorney for the Internal Revenue Service disbarred from practice in the Western District court. The Tenth Circuit immediately stayed the order which was issued in contravention of an earlier Tenth Circuit order halting action on the underlying case involving an investigation of Oklahoma Governor David Hall.

Bill Burkett is an old and dear friend of this writer. Not long ago, I jokingly remarked to him that I thought Judge Chandler's attempt to disbar him showed remarkable judicial discernment. The passage of thirty years permitted Burkett to smile at the joke, but he quickly grew serious. He recalled that at the time, he was in a position merely to be outraged at Chandler's abuse of power. His assistants, however, were young, relatively inexperienced lawyers and the power a federal judge could wield over their livelihoods and their future careers genuinely frightened them. Even after the passage of so many years, it appeared that Burkett found it hard to forgive Chandler the distress he caused those young men and their families.

Chandler frequently proved his willingness to frustrate and confound the people of Oklahoma, but occasionally his contrarian ways beguiled them. In the summer of 1974, "Geronimo," an endangered jaguar escaped from a privately-owned facility near Mangum, Oklahoma where he was kept along with a leopard named Cochise and a South American mountain lion named Minnehaha.<sup>38</sup> For six days local and federal authorities pursued Geronimo before capturing him near an abandoned farmhouse. Because of his

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<sup>38</sup>"Judge Resets Hearing Date for Geronmimo," *Daily Oklahoman*, July 6, 1974, at 1.



endangered status and the questionable condition of his living quarters, officers from the U.S. Bureau of Wildlife and Sport Fisheries sought to have Geronimo and the other cats removed to Marshall, Texas or to the Oklahoma City Zoo. Upon application from their owners, Judge Chandler enjoined the cats' removal from their home. He personally inspected the Mangum facility to determine whether it was suitable for temporary quarters until the owners could build the new facility they proposed.

Following his inspection, Chandler noted the affectionate care lavished on the animals by their handlers and concluded that "the trauma of moving and changing [the cats'] habitat ... would be greater than to permit them to remain in the less ideal quarters they presently occupy during the period of the construction of adequate facilities at the site of their present location."<sup>39</sup> The entire episode garnered more attention, according to the *Daily Oklahoman*, than the "construction of the Brooklyn Bridge."<sup>40</sup> Donations poured in from across the country to fund the building of a new zoo to house Geronimo. Local business leaders rallied to organize the venture and announced their plans to erect a stone marker at the zoo's entrance reading "Tri-county Zoo in honor of U.S. District Judge Stephen Chandler."<sup>41</sup> It seemed a fitting tribute to the Tiger Who Drinks Wild Turkey.

But Judge Chandler's mercurial personality was perhaps best capsulized by R. Lee Jenkins, his former law clerk who also served as court Clerk for the Western District of

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<sup>39</sup>Mike Hammer, Jaguar Stays Near Mangum, *Daily Oklahoman*, July 12, 1974, at 1.

<sup>40</sup>James Johnson, Cat's Cage a Disgrace, Curtis Says, *Daily Oklahoman*, July 11, 1974 at 1.

<sup>41</sup>James Johnson, Mangum Plans Chandler Zoo, *Daily Oklahoman*, July 13, 1974, at 1.

Oklahoma. He said, "Judge Chandler was a very interesting and intriguing judge. He was honest, but not to a *fault*. He would, upon occasion, rise *above* principle."