

Biography of

THE HONORABLE RICHARD DEAN ROGERS

Senior United States District Judge

By

Homer E. Socolofsky

Copyright © 1995 by The United States District Court, Kansas District

This biography is made available for research purposes. All rights to the biography, including the right to publish, are reserved to the United States District Court, District of Kansas. No part of the biography may be quoted for publication without the permission of the Court.

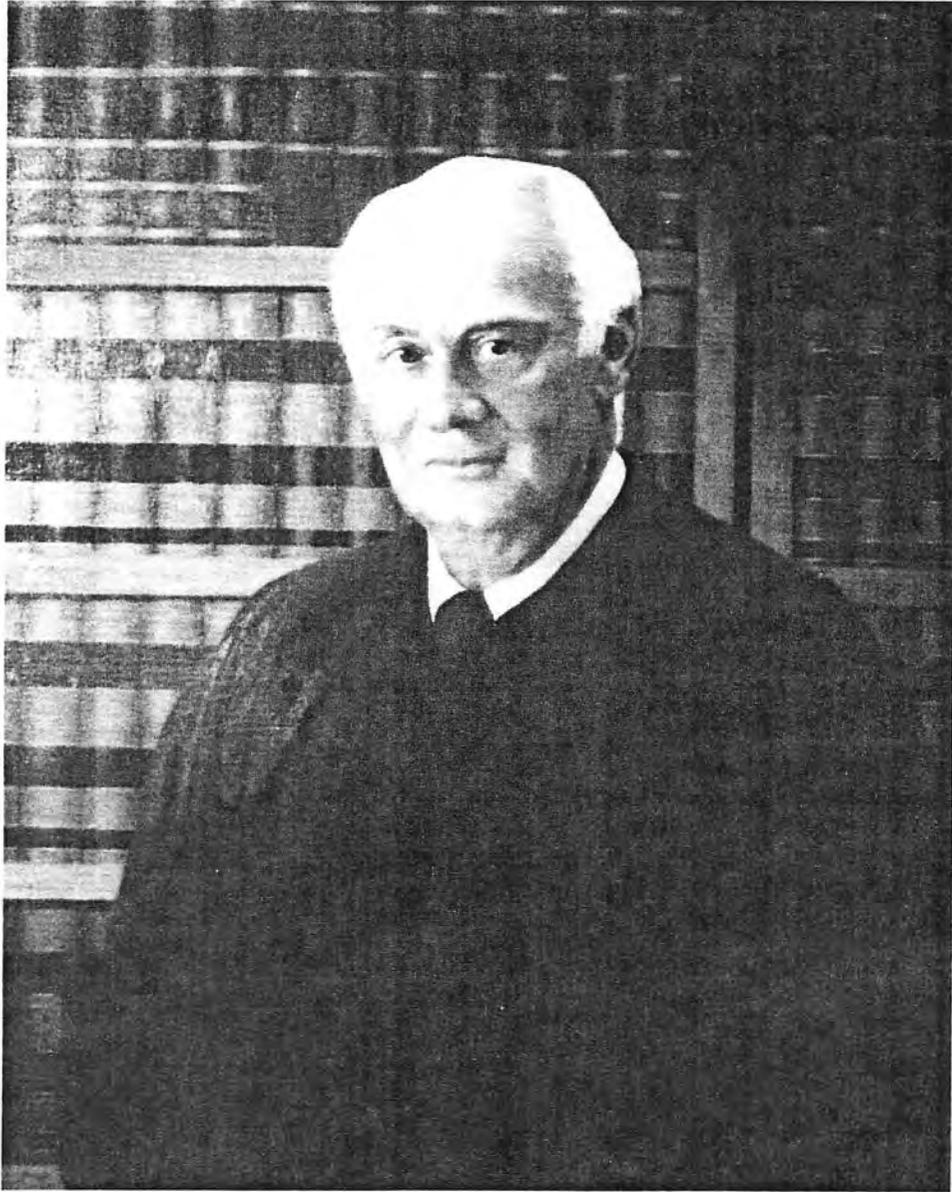
Requests for permission to quote for publication should be addressed to the Clerk of the Court, United States District Court, District of Kansas, and should include identification of the specific passages to be quoted, anticipated use of the passages, and identification of the user.

It is recommended that this biography be cited as follows:

Richard Dean Rogers, "Biography of the Honorable Richard Dean Rogers, Senior United States District Judge," a history prepared 1994-1995 by Homer Socolofsky, United States District Court, District of Kansas, 1995.

Printed in U.S.A. by Mennonite Press, Inc., Newton, Kansas 67114

*The United States District Court gratefully
acknowledges the contributions of the
Kansas Federal Bar*



Preface

When Judge Monti Belot telephoned last December, inviting me to write a biography of Judge Richard D. Rogers, I was interested. But I wanted more information, what should a judicial biography contain, how long should it be, were pictures to be included, and was there an already completed biography to serve as a guide? Also, I needed to contact Dick Rogers, whom I'd known since 1940.

Answers were soon received to many of my questions. I met with Judge Rogers and he showed me some of the materials from which a biography could be drawn. It is his fashion to downplay his eventful life. Without his help and his frank and full answers to my many questions the results would have been scant indeed. Much can be gleaned from contemporary newspapers, from local and state histories, from personal accounts of people living in Oberlin, Clyde, Wamego, Manhattan, and Topeka, and from maps and pictures of these areas. All of these sources and others have been employed in this biography.

Judge Rogers and his law clerks, Jim Prentice and Pat Haley, have provided careful and extended tutelage on the opinions, both published and unpublished, that are discussed here. They patiently explained

legal terms and procedure in extended tape-recorded sessions. And they were always prompt in response to mailed in questions. Thank you all for willingly providing your time and also to Cindy Rogers, who helped to fill in the details of the past ten years. The expert editing by Patty Stones, Penny and Tom Socolofsky is appreciated.

A love of Kansas history is one of the fascinating qualities about Dick Rogers, a trait which I share. In spite of all the care taken to be fully accurate in this Kansas-based biography, a biographer is ever aware of steps not taken and areas not explored. In some ways I'm like William Allen White who prefaced his *Autobiography* with the statement:

This Autobiography, in spite of all the pains I have taken and the research I have put into it, is necessarily fiction. The fact that names, dates, and places seem to correspond with such things that may have occurred in real life does not guarantee the truth of these stories. So, in all candor, I wish to warn the reader not to confuse this story with reality. For God only knows the truth. I am hereby trying, in my finite way, to set down some facts which seem real and true to me. And best, this is only a tale that is told!

Homer E. Socolofsky, July 20, 1995, Manhattan, Kansas

Contents

I. BEGINNINGS	1
II. GROWING UP IN WAMEGO	13
III. K-STATE AND WORLD WAR II	29
IV. BEGINNING A LAW CAREER	51
V. NONPARTISAN AND PARTISAN POLITICS	65
VI. MUSIC, LITERATURE AND HUMOR	85
VII. UNITED STATES DISTRICT JUDGE, AUGUST 7, 1975 – DECEMBER 31, 1988	95
VIII. SENIOR UNITED STATES DISTRICT JUDGE, SINCE JANUARY 1, 1989	111
Footnotes for Chapters I-VIII	125
APPENDIX A Installation as U.S. District Court Judge	129
APPENDIX B Citation for Distinguished Flying Cross	133
APPENDIX C Response by Judge Rogers on being named the 1985 "Distinguished Kansan of the Year" by the Native Sons and Daughters	135
APPENDIX D Remarks on Georgia Neese Gray	139
APPENDIX E Eulogy to Warren W. Shaw	141
APPENDIX F Affiliations, Honors and Awards	145
Index	147



*Chapter I***Beginnings**

Richard Dean Rogers took the oath of office as the newest federal district judge in Kansas on Thursday afternoon, August 7, 1975. Judge Delmas C. Hill, from the Tenth Circuit Court of Appeals in Denver, presided at the swearing in ceremony in the Federal District Court in Topeka. The “sometimes relaxed 40-minute ceremony,” was attended by personal friends, family, and by more than a hundred members of the Kansas Bar Association. Taking part in the ceremony were a mixture of state and federal participants, including Governor Robert F. Bennett and Presiding Judge Wesley E. Brown of the Kansas District Court, who spoke briefly.¹

Judge Hill noted that both he and Rogers “came from Wamego. . . . I first remember him as a handsome, well-groomed youngster in knee pants . . . able to get the best job in town for a boy his age” and who courted and won as his wife “not only one of the nicest but also the prettiest girl in town.” Leonard O. Thomas, a past president of the Kansas Bar Association, recognized Rogers for his unique qualifications and J. C. Tillotson, chairman of the Kansas Senate Judiciary Committee, presented the new judge with his presidential commission. Retiring Kansas District Judge George Templar helped Judge Rogers put on his new black judicial robe. In reality, Richard D. Rogers had prepared for this appointment to the federal bench all of the fifty-three years of his life.²

Richard Dean Rogers was born at home in Oberlin, Kansas, on December 29, 1921, the third son of William Clark Rogers and Evelyn Mae Christian Rogers. William and Evelyn were married in Clyde, Kansas, on April 27, 1916. William had grown up on the Rogers farm, three miles south of Clyde. Evelyn’s family also farmed near Clyde. Both William and Evelyn had an eighth grade education, although Evelyn spent another year at a Catholic school. Both had worked in a clothing store in Clyde; they were intelligent, used excellent English,

were always well dressed, and they knew and understood quality clothing. When they were married, according to a news account, William C. was the Kansas representative for the North Ridge Brush Company and was instructing and appointing agents for various parts of the state.

Evelyn Mae Rogers’ parents were Valentine (known as Vol) and Jenette Parker Christian. Vol had come to Kansas in the early 1870s from South Bend, Indiana, in a covered wagon. He was married to Laura S. Fitch in Marysville, Kansas, on June 29,

1871, and she died Nov. 4, 1874 after the birth of two sons. Vol homesteaded SW 1/4 9-5-1 near Clyde for which he received the patent in 1879. On May 6, 1877 at Elk Creek, Cloud County, he married Jenette Parker and they had seven children, the next to the youngest, Eva or Evelyn Mae. Jenette's father, a Civil War veteran, later became a mail carrier at Concordia.

William Clark Rogers' parents were William John Rogers, born in Ontario, Canada, in 1857, and Clara Elizabeth Williamson, born October 24, 1860, in Altoona, Pennsylvania. Clara's father, Thomas Williamson, was born in Pennsylvania in 1809. Her mother, Elizabeth, was born in 1815. Clara moved with her grandparents to St. Joseph, Missouri in 1862. Later they came farther west and bought a farm one mile north of Clyde. William John and Clara were married February 25, 1883, in Concordia, Kansas.

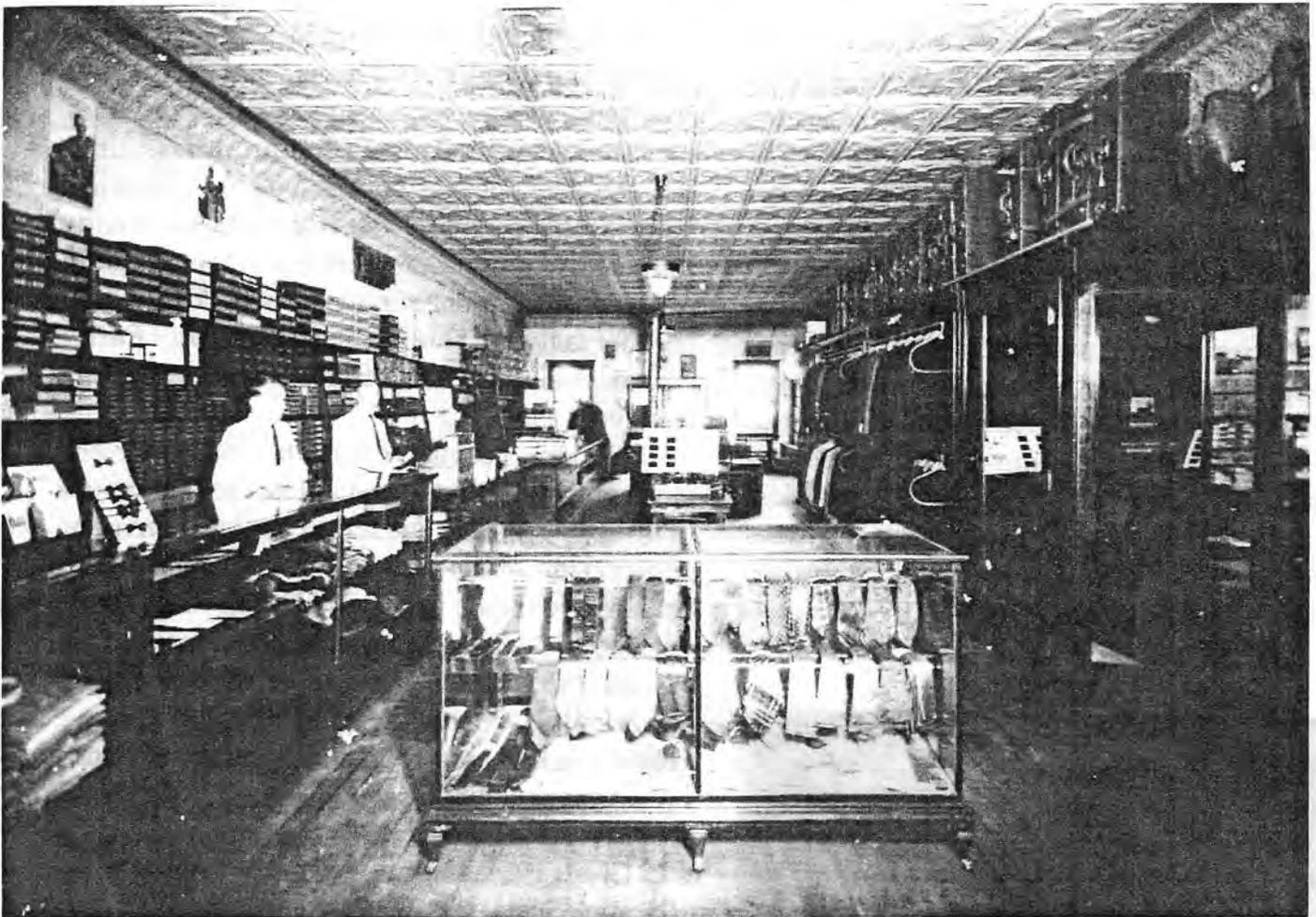
William C. Rogers, following his marriage, traveled throughout Kansas for the Lee Overall Company. He did not serve in World War I, but was in the Home Guard. His father, William John Rogers, had accumulated land and other investments in an era when meager expenditures on oneself and no income taxes enabled many Kansas farmers to gather sufficient wealth to retire to town by age fifty. There they could live off their investments for the remainder of their lives. About the time the U.S. entered the first world war, William Rogers set up two of his sons in men's clothing stores in two northwestern Kansas county seats. William's store, the Rogers Clothing Store, was in Oberlin, located on Penn Street, near Commercial, also near the post office and the court house. His brother Ed had a similar store in Phillipsburg, about seventy

miles east of Oberlin. William Rogers was president of each firm operated by a son, an indication that he had provided the money to get started, but he continued to live in Clyde.

Oberlin was named for Oberlin, Ohio, by town founders in 1878, also the year of the "Last Indian Raid" in Kansas which brought Cheyenne warriors through the area in an attempt to return to their northern homeland. In 1911, a memorial was erected at state expense in Oberlin to remember the seventeen newly arrived settlers who had been killed in that fracas. Oberlin became the temporary county seat when Decatur county was organized in 1879 and later the permanent seat of government. For more than a dozen years after 1881, Oberlin was also site of a Federal Land Office, where homesteaders and others seeking federal land in northwest Kansas would file their claims.

Decatur County, as near a square as possible on the surface of a sphere, had boundaries thirty miles on a side. Thus it had twenty-five Congressional Townships, based on the public land survey, which counted each township as thirty-six one-mile square sections. It is the third county from the Colorado border and adjacent on the north to the state of Nebraska. Population in the county peaked at 9,234 people in 1900. By 1920, the year before Dick Rogers was born, it was down to 8,121 and seventy years later the county's population was less than half the total in 1900.

Earlier, Oberlin was the recipient of a Chicago, Burlington and Quincy branch railroad line. Such transportation was essential to every aspiring county seat. Oberlin grew from 1,157 people in 1910 to 1,247 in 1920. Small-scale businesses to ser-



William C. Rogers' Clothing Store, Oberlin, 1920s

vice the county's population developed in Oberlin and a half dozen nearby towns, including the Decatur County communities of Norcatur, Jennings and Dresden. In its initial period of growth, lumber yards were organized in almost every crossroads community. These and similar businesses had an important function, since construction of homes, barns, and businesses was part of the start-up period in any new settlement on the High Plains where there was relatively little native timber.

Decatur County, because of the absence of land grant railroads through the county, where as much as half of the land was given

to a railroad company, was a homesteader's paradise during the late 1870s and 1880s. Farms were laid out, primitive homes were constructed, to be improved later, roads were opened and towns were developed to fill local needs. In the early 1900s local boosters were proud of their new county high school, the new court house and the 101 organized school districts. Like many other rural counties in Kansas, the production of field crops and animals provided almost the entire base for the county's economy.

William C. Rogers had a good business in Oberlin. He drove a Buick and conditions

seemed promising. Agricultural products brought higher prices during World War I and much money was available in the county. But the first Rogers son died of influenza in 1918, the first year of the big "flu epidemic" in the U.S. When her second son was due, Evelyn Mae went to Kansas City to be with her sister, Frances, who was a nurse. Thus, Robert Rex, known as Bob or Bob Rex, was born in Kansas City, Missouri, on February 8, 1920. By the time Dick was born late in 1921, Evelyn was well and strong, so he was born in the home they owned in Oberlin. Even though William C. Rogers' clothing store prospered in Oberlin, it was burglarized twice and he took losses.



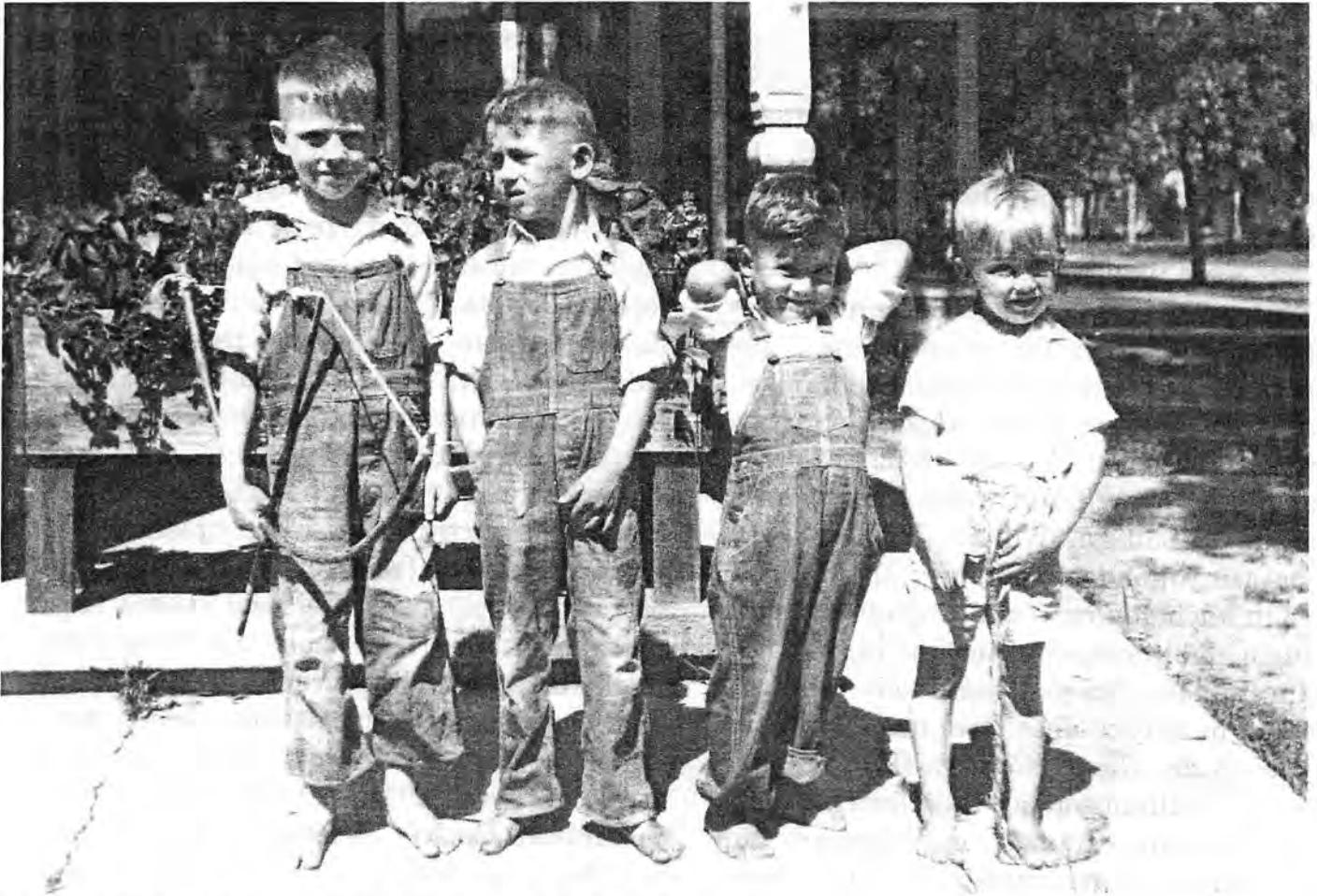
Robert Rex Rogers and Richard Dean Rogers, 1922

Daytime robberies for Main Street businesses and banks in Kansas in the 1920s resulted in the formation of local citizens' groups in many Kansas communities. Similar to the posses portrayed in Western movies, these groups were armed and ready to rally at any point where a robbery was in progress. These organizations led directly to the formation of the Kansas Highway Patrol that developed as an official state agency a few years later.

Perhaps because of the burglaries or the lack of a population base in Decatur County to buy fine men's clothing, or the farmers' depression of the mid-twenties, especially in grain producing areas, William C. Rogers decided to sell his store. The new owner continued to run a successful business and Rogers left Oberlin in good financial shape. He still owned a building and lots there. However, he moved his family back to Clyde where they lived in a nice, large brownstone house.

Clyde, Kansas was named for the River Clyde in Scotland. Clyde was located on the north bank of the Republican River and founded in 1869. It was the oldest community in Cloud County, and for a brief period it was the temporary county seat. The community was served by three railroad lines and in the early 1900s claimed five rural postal routes. Its business district had two weekly newspapers, two banks, two theaters, and a concentration of mercantile establishments, to serve a population in 1910 of 1,057. In 1920, the population was 1,063, with growth to 1,174 by 1930, two years after the William C. Rogers family had moved away.

William C. Rogers, while a resident of Clyde, traveled again for the Lee Overall Company. Grandfather Rogers, who was to live to the ripe age of almost 97 years, lived nearby, and Grandmother Christian lived



Bob and Dick Rogers with friends in Clyde, 1926

only a block away. Her unmarried son, Tim, lived with her. Uncle Tim was a favorite of Dick; he taught him how to roller skate. There were many other relatives around Clyde. Cousin Magdaleen lived with William and Evelyn's family during the week so she could attend high school. She rode her pony in from her farm home Sunday evening, kept the pony in the barn during the week, and rode out to her home again on Friday evenings. In the fall of 1927, Richard Dean Rogers, age five, entered the first grade in Clyde, where his teacher was a Mrs. Tuggle. Evelyn Rogers was an affectionate mother. She called her young sons, "honey mans," and she wanted them to behave properly at

all times. She repeatedly told them that if they got into trouble in school they were in trouble at home. It did not matter if their treatment in school was unfair—she wanted them to learn how to deal with unfair people. Her perception of morals and ethics fit easily into the Kansas concept of how a person should live.

As William C. Rogers was traveling around the state he noticed that the Farmers' Union Store in Wamego was for sale. He persuaded his father to back him financially, the store was purchased and he moved his family to Wamego. Dick and Bob transferred to Wamego schools in the middle of the school year. Dick's first grade teacher

was Miss Edna Childers. Only one other student in first grade was younger than he. Also in that class was Helen Elizabeth Stewart, known to her classmates as Beth. In Wamego Richard Dean Rogers spent the next dozen years of his life and it would always seem like home.

Many years later, Judge Richard Rogers became interested in the generations of his Rogers' ancestors, back to 1681 and beyond. His father, William Clark Rogers, born in Clyde, Kansas, on Feb. 28, 1892, was the sixth child of William John Rogers and Clara E. Williamson. William John was born in Ontario, Canada on January 11, 1857. He lived in Michigan for a while. After accumulating a small amount of money he went by rail to Kansas. He was twenty-one years of age and he settled on a farm near Clyde, in northeastern Cloud County. He married Clara E. Williamson at the Cloud county seat, Concordia, Kansas, on February 28, 1883. She was born October 20, 1860. Clara Williamson Rogers died in 1927, while William John Rogers lived on until late 1953. He lived in Clyde more than 75 years.

William John Rogers was the first-born of Thomas Rogers and his first wife, Sarah E. McCloud. Thomas was born November 7, 1834, on the family farm in Ontario, Canada, and Sarah was born on July 6, 1837, in the eastern province of New Brunswick, Canada. Thomas went to Detroit, Michigan in 1864 and enlisted in the Union army, but he saw no active duty. He was a big, powerful man, very impulsive. He was charming and gained many friends. Later Thomas moved to Mt. Pleasant, Isabella County, Michigan, then to Wisner, just a few miles inland from Saginaw Bay, in Tuscola County, Michigan. He had been a lumberman in Canada and continued that work among the

bountiful white pine forests of northern Michigan. On one of his exploring journeys in forests of the "thumb" area of Michigan he was lost without food for three days. He found his way out of the forest to a cabin where he was fed on pork and cornmeal, which he declared "tasted better than any food he ever ate." Thomas took his family to Kansas because William was there. He carried money with him, expecting to buy land. On the train two passengers found out that he was carrying much money and they offered to help him find land, saying that they would go by it soon. Their plan was to get him onto the train platform on the pretext of showing him the land. There they would rob him, then push him from the train. Instead, big, powerful Thomas was able to push away from them, bang their heads together and throw them off the platform. For a while Thomas lived at Riverdale in Gratoit County, Michigan although he was buried in Wisner.

Thomas Rogers was the firstborn of John Rogers and Sarah Benson. John was born in 1804 on the family farm in Ontario, Canada. Sarah's birth in 1818 was also in Canada. They were married in 1833. In later years John Rogers lived near Brighton, Lamberton County, about the middle of the north shore of Lake Ontario. John Rogers was the firstborn of Joseph Rogers and Nancy Weese. Joseph was born near Saratoga, New York on February 1, 1782. He was the firstborn of William J. Rogers and Mary Williams. William J. was born in Schenectady, New York, in 1750. Mary was the daughter of John Williams.

William J. Rogers' father was William John Rogers, born in 1708 or 1709 in New York. His mother was Mary White, whose family name was sometimes listed as Weith.

William John Rogers' father was also William John Rogers, born in 1681 in Albany, New York, and his mother was Mary Johnson, born in Boston in 1689.

This earliest known William Rogers in the Rogers line was a feltmaker in Albany, who signed his son William to a seven-year apprenticeship, ending April 1, 1732 which contained the usual restrictions on the behavior of the apprentice and obligations of the master. Presumably the Rogers family came to the American colonies from Scotland, though the connection has not been established. William Rogers and his son were tanners and merchants and sold hats and leather goods. William, the younger, later had a farm near Albany.

Family lore describes the Rogers family as simple Quakers when they lived in Britain and when they arrived in the American colonies. Although the link has not been made over that century prior to 1681, some of the Rogers family claim to be direct descendants of the well-known John Rogers, a famous religious reformer, who was burned at the stake in Smithfield, England in 1555.

William John Rogers (born 1708/1709) and his son William J. Rogers, Jr. (born 1750) were active participants in the American Revolution on the Loyalist side of the conflict. They are frequently mentioned in Patriot court records, such as the *Public Papers of George Clinton, First Governor of New York* published in the early twentieth century.³ Three entries in this publication's index were: "Rogers (Rodgers) William, of Saratoga, released on recognizance, 86-87; Albany board waives appearance of, at request of General Schuyler, 102; required to renew his recognizance, 520; charged with refusing to do militia duty, 612. Rogers,

William, tory suspect, ordered confined, 89; released on bail, 211. Rogers, William, Jr., tory suspect, ordered confined, 89."

William, the father, was accused on April 16, 1778 of "having been with the Enemy" and was permitted to go home to Saratoga, providing he posted a 100 pound bond. On April 18, 1778, both William and William, Jr. were "Confined by the Committee of the County of Albany for being Persons disaffected to the Cause of America and whose going at large may be dangerous to the State."

William Rogers, as a Tory and Loyalist, was intimately involved in both the Battle of Bennington, August 16, 1777, and the Battle of Saratoga, where the sharpest conflicts occurred almost a month apart—September 19 and October 17, 1777. Both Bennington and Saratoga were crucial American victories; success of American militia under Brig. General John Stark at Bennington encouraged rebels in their campaign against Lt. General John Burgoyne's two armies converging on the upper Hudson River Valley. Burgoyne had a mixed force of 7,700 British, Hessian, Tories, and Indian troops, later increased to 8,500. Opposing them were 6,000 well-entrenched Americans under Maj. General Philip Schuyler and later Maj. General Horatio Gates. Realizing that the invading British force was trapped, some 17,000 rebels hurriedly gathered to surround Burgoyne. Too late, the British realized that Burgoyne's plans were not coordinated with those of Vice Admiral Richard Howe, who was based in New York City and would supposedly provide the third army coming up the Hudson.

American successes at Freeman's Farm (otherwise known as the Battle of Saratoga) forced Burgoyne to agree to terms of surren-

der and the 5,000 British troops who were still there laid down their arms, and marched back to Canada. American successes in the year of the lucky triple sevens, brought an eagerness from France to ally with the upstart Americans against their old enemy, Britain. This alliance provided essential elements to permit enough subsequent American victories, especially Yorktown, to produce the Treaty of Paris in 1783, which officially ended the war.

On December 3, 1777 the Albany Committee of Correspondence heard complaints from many citizens, including "Mary Rogers [who] appeared and complains that the day her Mother & Self Went off from their habitations, their house was pillaged of their Effects and that a great part of them are now in possession of [and she named four men] and Several others & prays relief in the premises." There was no indication of what kind of relief, if any was provided.

The official record is quiet about most of William Rogers' activities, but the public papers of Governor Clinton, case No. 1402, provide some of the consequences. Specifically this case dealt with a serious charge against William Rogers from the District of Hosick, County of Albany, under the title "A Venerable Man Accused of Horse-stealing—His Petition." "That the Petitioner is entering into the Seventieth Year of his Age, and has been lately convicted for having feloniously taken and led away Horses, the Petitioner does not deny that He took the Horses, but that He did not take them clandestinely or with an Intent to convert them to his own Use, and that the Petitioner was compelled and obliged to go and demand the said Horses from the Owners by Threats and Fear of some of the Officers of General Burgoyne's Army, Who came to the Petitioner's House

in the Night, after their Defeat at Ben[n]ington; that the Petitioner has lost all that he had in the World (that He has long been an Inhabitant of the City of Albany,) and a large Family to support destitute of every Necessary of Life. The Petitioners, therefore, humbly pray that your Excellency will take the Prisoners advanced Age and other distressed Circumstances into your tender and serious Consideration & earnestly beg that He may become an Object of Mercy and Obtain your Excellencies Pardon."⁴ Other evidence shows that four horses were involved and that Rogers had given receipts for some of them. Also, all of the horses were returned to their owners within three or four days and money for their rental was paid. Rogers held that he was under duress and adamantly refused to admit that he had done anything wrong. Had he apologized, things could well have turned out differently. Although the petition was signed by thirty-eight men from the district, including David Schuyler, presumably a relative of the general, it was denied and William Rogers had to pay for his multiple crimes of being a Loyalist, having fought against the Americans at Bennington, and having provided horses to some of Burgoyne's officers following the surrender at Saratoga. *In 1778 William Rogers, age almost seventy years, was hanged by American authorities in Albany.* He left his widow, Mary, and six grown children. Five years later when his family departed for Canada, his daughter, Mary Fairbanks, stayed in New York with her new family.⁵

Rogers' hanging was one of fifteen executions of Loyalists in New York during the Revolution. Fifteen Loyalists were also executed by patriot forces in South Carolina. New York and South Carolina accounted for

about sixty percent of all executions of Loyalists during the war.⁶

The year 1778 was a bad one for the Rogers family. On August 20, 1778, "William Rogers [the son] was brought before the Board and we having enquired into the Nature of his Crime and finding no special Charges against him have thought proper to permit him to go at large on his entering into Recognizance for good Behaviour and Monthly Appearance." Rogers and Philip Ryley were each required to post a bond of 100 pounds. William Rogers was back before the Committee on September 11, 1780, and was required to post bond again. Again on January 5, 1781, William Rogers, along with several other men, appeared before the Committee because of their refusal "to do any Militia Duty when called upon and are adjudged by them to be dangerous Persons —"⁷

It was little wonder that some time after the birth of Joseph Rogers, grandson of the hanged William Rogers, in February 1782, the widow Mary Rogers and five of her six children and their families along with many other Loyalists departed hastily for Canada. The route of more than two hundred miles taken by these Loyalists from upstate New York was to the province of Quebec by way of Lake Champlain to Sorel, on the St. Lawrence River, downstream from Montreal. According to William Rogers, Mary's son, his family stayed there in a Loyalist refugee camp between July 25, 1783 and March 25, 1784. He entered claims and evidence of property lost to the rebels amounting to the sizable sum of 451 pounds, 2 shillings and 6 pence, later reduced to 155 pounds sterling. Subsequently, he received 95 pounds sterling for loss of a 100-acre farm, with 30 acres cleared, containing two houses and a barn,

along with livestock, crops and farming implements. British authorities in the western part of Quebec laid out the front portions of 14 townships, 9 on the St. Lawrence River and five higher up (on Lake Ontario or the Ottawa River?), for Loyalist occupation. By October 7, 1784, William Rogers and 45 other men from the Loyalist camp were in Ernestown and had cleared a land area of 146.5 acres. On September 2, 1785, Rogers and others like him who had served with Captain David Jones and Colonel Edward Jessup at Bennington, were granted land in this first group of townships. Rogers received the west half of lot 16, concession 5, Ernestown, an area of 100 acres. No doubt he acquired more land later, as his will, dated in 1818, shows additional property which he bequeathed to his sons.⁹

The British government, in granting land to former soldiers, was responding to precedents well established in British law. Other countries in earlier times, such as the Roman Empire and many other nations, paid off surviving veterans with land and farms. The new United States granted land to soldiers and sailors from the Revolutionary War in the Northwest Territory, and veterans of the Mexican War received rights to much land in the West. Union veterans from the Civil War could use their time in service to reduce the five years necessary to acquire free land under the Homestead Act of 1862. Texas provided Confederate veterans with land in that state.

Dispossession of property and expulsion of Loyalists following the end of the Revolutionary War was often a matter of where it took place and who was dispossessed. In downstate New York, the Loyalists were so numerous and politically strong that their property remained virtually intact. Upstate

New York Loyalists fared less well. Many were harassed and driven out. Loyalists had departed from all of the colonies throughout the war. Many had gone back to England or to nearby colonies, such as Bermuda, the Bahamas or to British possessions in the Caribbean. When the war ended the British government in 1783 and 1784 attracted between forty and sixty thousand Loyalists to Canada, where they settled in the already established colonies of Nova Scotia or Quebec, or helped to found the newly-organized colonies of New Brunswick and Ontario.¹⁰ About ten thousand of these Loyalists, including the Rogers family and in-laws such as the John Weese family, settled in the area west of the Ottawa River by 1785. After 1791 this region became known as Upper Canada, and still later as Ontario. Most of these settlers were in need. They had lost their homes, land and other possessions in the new, free United States. Land, food, clothing, livestock and seed were provided by the British government in newly settled regions of Upper Canada.

The Loyalists were on the losing side in the American Revolution, and losers in such a conflict rarely record its history. However, their continued loyalty to the British crown brought to these new settlers in Canada an identity as United Empire Loyalists.¹¹ An organization, using a similar name, gained an elite status in Canada, in ways much like that of the Sons of the American Revolution, or the Daughters of the American Revolution, in the United States. Former British and German (the Hessians) soldiers who fought against the Patriot armies received land in Canada, mostly in Ontario. Also, large numbers of Indians from upstate New York who sided with the British, such as the Mohawk tribe under Joseph Brant, and

other tribes confederated with the Mohawks fled north into Canada, generally being located in Ontario.

During the eight long years of the Revolutionary War, Loyalists in the thirteen American Colonies dominated some areas. Recognized Loyalist territory included the Hudson Valley and New York City in New York, the environs of the largest colonial city, Philadelphia, and some of the southern colonies. Patriots had overwhelming strength in New England, in Virginia and generally in backcountry regions. When rebel or patriot armies fought within Loyalist areas, they regarded local people as hostile and unfriendly. Overall, the Loyalists represented between twenty and thirty percent of the population. A description of a cross section of Loyalist adherents would find them much the same in wealth and property as a cross section of Patriots, except that most British governmental employees remained loyal to the crown. Peter Brimelow wrote in his *The Patriot Game*, published in 1986, that "English-speaking Canada is a surprisingly new development. It began in one of history's overlooked tragedies: the northward movement of some 60,000 American Tories, deprived of their country and virtually all the compensation for looted property promised by the Treaty of Paris, which ended the American War of Independence."¹² By the late twentieth century, their descendants number three and one-half million.

On January 8, 1825, Joseph Rogers, an infant when the Rogers family migrated to Ontario, petitioned the General Quarter Sessions of the Peace, at "the Court House at Hamilton" saying that he was "the Son of William Rogers of Ernestown in the Midland District deceased and that . . . Joseph Rogers

did his duty in service of the Province during the late war [known in the U.S. as the War of 1812] and that his deceased father did while living during the late insurrection [the Revolutionary War] his Loyalty without suspicion of aiding and abetting the enemy." In an additional statement to "Sir Peregrine Maitland, Knight, Commander of the most honorable Military Order of the Bath, Governor of the Province of Upper Canada, Commander of his majesty's forces therein" Joseph Rogers stated that he lived in the "Township of Murray and District of Newcastle," and that he was "the son of William Rogers, a U. E. Loyalist, Deceased who served his Majesty in the Loyal Rangers, under Major and Colonel Jessups for seven years and one month, being taken prisoner [three times] by the enemy, and suffering severe losses of property." He also mentioned that "he has himself also served his Majesty in the first flank company of the Addington Militia

under Captain Sheldon Hawley, his Discharge bearing date April 21, 1820. Your petitioner therefore hopes that by the bounty of government he shall receive such portions of Land as these claims entitle him to."¹³

Judge Richard D. Rogers submitted his report on "William Rogers, Loyalist," which contained information on his lineage back to William Rogers, to the office of the United Empire Loyalists Association of Canada, in Toronto.¹⁴ Several years later on October 19, 1978, he became an elected member of the association and was sent a certificate showing his membership. One portion of the certificate stated that, "Those Loyalists who have adhered to the Unity of Empire, and joined the Royal Standard before the Treaty of Separation in the year 1783, and all their Children, and their Descendants, by either sex, are to be distinguished by the following Capitals affixed to their names — U.E."



Chapter II

Growing Up in Wamego

William Clark Rogers moved his family to Wamego half way through the 1927-1928 school year. Bob entered third grade and Dick was the second youngest student in Miss Edna Childers' first grade in the Old Stone School. Located at Seventh and Elm, the building was finished in 1911, after bonds were sold to allow its completion. This school housed both grade and high school until 1938, when a new consolidated rural high school building was finished in time for Dick to be in its first graduating class. Fourteen members of his first grade class were still together when a class of fifty-two graduated from high school.

Wamego, with a population of 1,647 in 1930, was the largest community in Pottawatomie County. Small and medium-sized businesses lined Lincoln Avenue, the town's main street, and small agricultural processors and related industries were located along the track of the Union Pacific near the south edge of the community. A division point on the railroad ever since its founding in 1866, Wamego had a roundhouse where steam engines were serviced. Many railroad workers lived in the community. Walter P. Chrysler, founder of Chrysler Corporation in the 1920s, was born in Wamego in 1875. His father, an engineer for the railroad, moved his family some 150 miles farther west to Ellis, another division point on the railroad in 1878, where Walter grew up. Wamego's name came from a chief of the Pottawatomie tribe, whose reservation was located a few miles to the northeast.

In Wamego the Rogers family purchased the stock and equipment of the Farmers' Union Store, which operated for a dozen years after 1916. The sizable, two-story stone corner building at the intersection of Lincoln Avenue and Fourth Street was rented. The building, erected in the late nineteenth century, originally was known as the Heckler Block, and later called the Schwandt building.¹ It was across Fourth Street from Railroad Park, which was next

to the track of the Union Pacific. The railroad depot was at the far end of Railroad Park. Lincoln Avenue went north over the hill and south across the tracks to a bridge over the Kansas River and into Wabaunsee County. The east-west Golden Belt Highway, renamed US 24 and US 40 in the mid-1920s, traveled on Fourth Street, just south of the store. Living accommodations for the family was a spacious apartment on the second floor, built there by an earlier occupant of

the building.

By 1906, the Heckler Block housed the Herman Plesse Dry Goods & Groceries. This department store sold general merchandise and groceries.² Plesse maintained a poultry business, behind or west of the store. Farmers' Union also sold general merchandise and groceries and the business's stock changed little in the years, 1928 to 1935, when W. C. and Evelyn Rogers were its owners and managers. Five or six employees were needed by the Rogers to run this business. William and Evelyn worked at least a sixty hour, six-day week and they never took a vacation while they lived in Wamego. Evelyn was a diligent worker and more willing to put in long, tiring hours to get the job done than her husband, William C. Besides an occasional visit in Kansas City, their longest trips were by auto over poor roads to Clyde to visit relatives.

The Rogers prior experience with fine clothing helped them in Wamego, though they had a much more diverse stock in this store. In Oberlin, W. C. Rogers had driven a Buick—in Wamego, he drove a succession of Fords. He parked his car out in front of his store, or in a barn off the alley in back. Bob and Dick, ages eight and six, were given the responsibility of sweeping the floors in this big building. By the time they could have helped out with clerical duties they had other jobs in Wamego's main street businesses.

Evelyn Rogers was a mother working outside the home, not a usual practice in the 1920s and 1930s. At the same time she was a strong booster of education, partly because she had completed only nine years of schooling. She understood what formal education could do and her dreams called for her boys getting college degrees, even though there

was no tradition of going to college in either the Rogers or the Christian families. In Clyde, Evelyn had opened the family's home to a niece to enable her to attend high school without the cumbersome and difficult task of riding a horse long distances every day. In Wamego she always had a rural girl who was attending high school live with them. In return for preparing meals and cleaning the apartment, the young woman received board and room, reducing her cash expenses in going to high school.

Evelyn Rogers used every opportunity to instruct her young sons in proper manners. In the early years in Wamego, after attending the Presbyterian Church on Sundays the family ate Sunday dinner at the Park Hotel, where Bob and Dick were expected to be on their best behavior. In good weather the family took a Sunday afternoon drive to Manhattan to consume chocolate ice cream malts. On one leg of the forty-mile roundtrip they would use highways US 24-40, through St. George; the other would be the rural road through the small communities of Wabaunsee and Zeandale on the south side of the river. Bob was bigger and stronger than Dick—two vigorous boys seated together could spell trouble. Remembered later was the action where Bob pushed Dick down in front of the back seat and said, "See the white horse." Dick then yelled desperately, "I want to see the white horse," and Evelyn from the front seat took a swing with her hand at Bob.

During the very early days of radio, the Rogers family had a small radio with an oval top. They enjoyed listening to the powerful pioneer station KFKB (Kansas First, Kansas Best) from Milford, just north of Junction City. Live musical performances came to them via the airways. At times they

heard the solemn Dr. John R. Brinkley impart his medical wisdom. Several times William C. Rogers drove his family to Milford to see and hear a live performance going out on the air.

The first year the Rogers lived in Wamego a circus came and pitched tents in the City Park. Bob and Dick were attracted by the sights and sounds and went under the tent wall to see the circus. As remembered many years later, Evelyn found out about this misdemeanor and marched her boys to the circus grounds and told the manager that her two little boys had sneaked into the circus and she wanted them to work to repay the circus. The manager ruined her object lesson by saying, "Hell, lady, all little kids sneak into the circus. It is expected."

Bob and Dick learned to swim under their mother's guidance. In practical fashion Evelyn Rogers took them to the narrow part of the lake in the City Park, tied a rope around their middles to pull them if they needed help. Soon they were swimming without parental oversight.

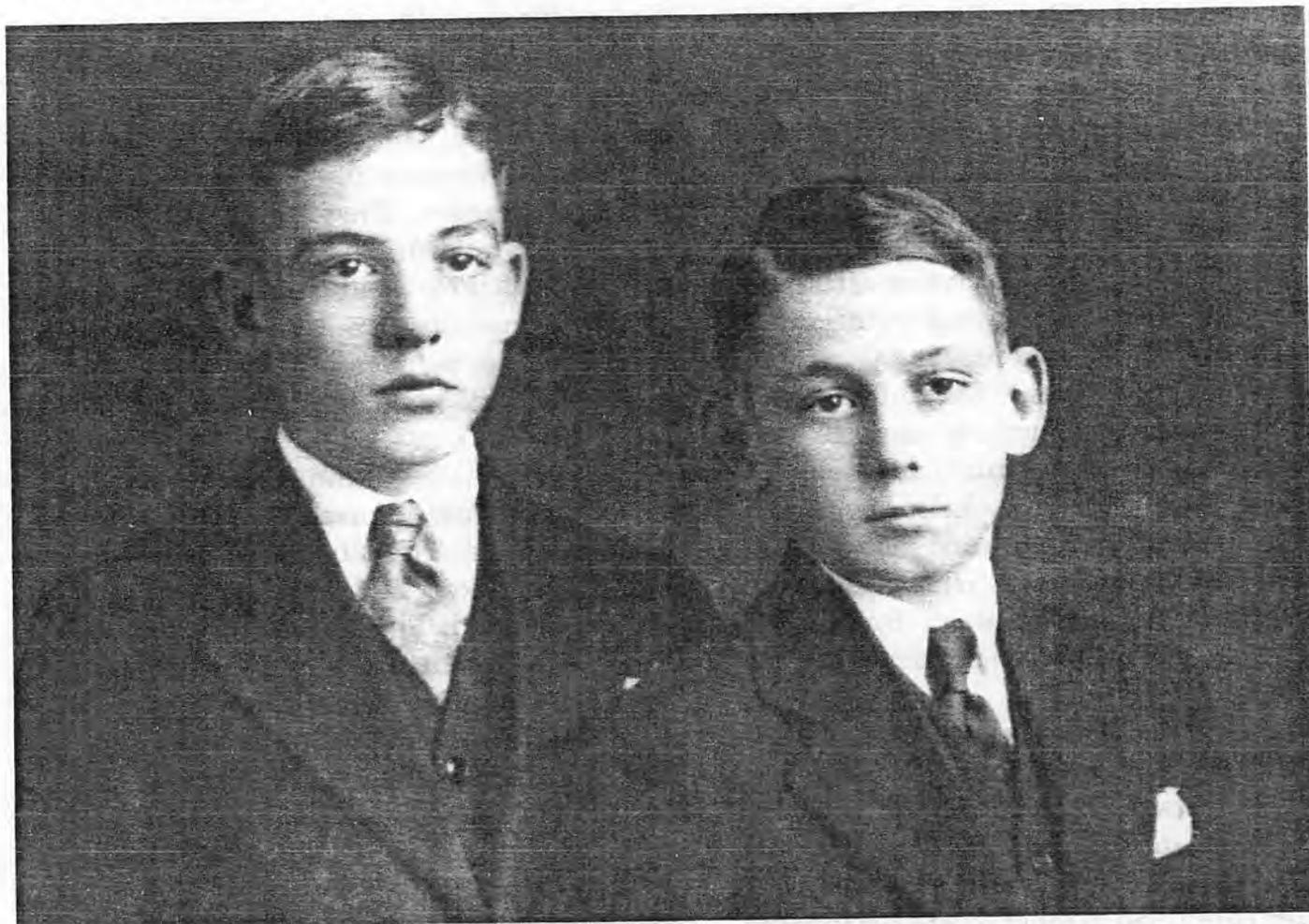
Bob and Dick did not usually play together. Bob's interests were academic and Dick's sports. They shared a bicycle and sometimes both wanted it at the same time. Dick's best friend during his growing up days in Wamego was classmate George Robert Jones. The Rogers' era in Wamego was not a time of children's recreation organized by adults, so Dick and George Robert whiled away the long, lazy hours of summer vacations by concocting a variety of things to do. One plan when about six or seven years of age was to organize the "Northwest Detective Agency," inspired by Nancy Drew mysteries and Saturday afternoon movie serials with police characters at the Columbian

Theater. They made a sign and hung it outside the basement stairs in the back of the Rogers store. Then they would pick a stranger, possibly a salesman or drummer, who came to Wamego to sell merchandise to various businesses. They would follow him all day all over town. They were detectives—they would follow their man. Some of the objects of the detective agency's concentration may have wondered about those "two snot-nosed kids" who were always around, barely in view.

Sometimes Dick and George Robert played in the huge unused basement under the store. When Herman Plesse had a dry goods and grocery store, tokens with the business' name had been made which could be redeemed for items on sale in the store. After Plesse sold to Farmers' Union, many of these tokens were dumped in the basement. Dick and George Robert found them and spent many happy hours counting them and playing with their new found wealth.

On other occasions they played in the timber along the bank of the Kansas River, or went out to the farm of George Robert Jones' grandfather, located on the edge of Wamego. There they rode his ancient horses, ages twenty-three and twenty-four. They also visited other farms located on the fringes of Wamego, sometimes getting involved in the grain harvest by carrying water on horseback to the harvest crew. Remembered years later, in addition to the Jones farm were visits to the Kaine, Julien, and Ayers farms.

At times Dick played with Bob Stewart, in the basement of the Stewart Funeral Home. Bob's family lived in an apartment in that building. While in high school, Dick would go with George Robert Jones to the home of Helen Parsons, whose father was



Robert Rex Rogers and Richard Dean Rogers about 1930. Both Bob and Dick have handkerchiefs in their breast pockets.

president of the Kaw Valley State Bank, to play a card game, Rook.

W. C. Rogers bought an island in the Kansas River, near the bridge. Thinking it might be a fun place for his family, he built a small cabin on it and put two goats on the island to keep down the weeds. The goats kept getting off the island by swimming across the river to Wamego where they had difficulty climbing up the steep river bank. The purchase of the island produced other problems—the land title proved faulty—it had been sold to several other people at the same time. Eventually, the island was

acquired by the editor of the local newspaper, who held parties to support political candidates in that remote setting. The island disappeared in the gigantic flood of 1951.

Once Dick, looking for something to do, went up on the roof of the store building. He noticed two of the town loafers sitting in Railroad Park. He could hear one of them say loudly, when a car came up to the stop sign, “travel on the green, travel on the green, red will hold you, red will hold you.” So he got a mirror and began flashing the sun into their eyes. The loafers complained

about Dick's behavior and his dad soon came charging up to the roof and ran him away from a decidedly fun game.

Evelyn inspired Bob and Dick with a love for reading. William C. Rogers was less interested in reading for enjoyment; however the family took the Kansas City *Star* and *Times*, in addition to the Wamego *Times*. These papers produced a total of fourteen newspapers each week, so there was much to read for one to keep up with local and national happenings. In addition, Evelyn spent many evenings, during the Wamego years, reading the poetry of Walt Whitman, or Edgar Guest and other poets of that era. Bob and Dick's reading consisted of books checked out of the school library or the more limited city library. Many of the Horatio Alger books, most of the Tom Swift books, the Hardy Boys books, and the Nancy Drew mysteries, as well as other children's classics were on their agenda. By the time they were in high school the boys were reading all of the Richard Halliburton travel books, the non-fiction of John Gunther and biographies, such as those written by Emil Ludwig. Dick read Ludwig's *Napoleon* twice. There is no recall of playing checkers or cards at home.

Daily schedules, including getting up and going to bed, were flexible and both Bob and Dick became "self starters" very early. Both began jobs outside the Rogers store soon after they moved to Wamego. Bob worked at the Wamego *Times*, and by the time he was in high school he was operating the linotype. This position stimulated him to major in journalism when he attended college. At age eight years, Dick got a job as a "curb service boy" at the Murphy Drug Store, owned by Clyde Moll. But Moll didn't pay him, except at lengthy intervals, expect-

ing him to be satisfied with the tips alone. So Dick got a similar job at the Wamego Drug Store, on Lincoln Avenue less than a block north of the Rogers store. This drug store was owned by F. E. "Brownie" Stelzner, who used his World War I bonus money to acquire the business and fix it up. Judge Delmas Hill remembers that Dick wore knee pants on this job. Dick sat on a chair outside the store, waiting for customers to park and honk. He would take their order, go inside and bring their requests back on a tray which was hooked to the side of the car. Then he would get the payment, take it inside and return with change. Stelzner looked out for his young "curb service boy," always paid him Saturday night, in addition to the tips, and he earned the loyalty of his youthful employee. This seasonal job turned into an active part-time position when Dick reached seventh and eighth grade.

When Dick was twelve years of age he joined a new Boy Scout troop organized at the Presbyterian Church. The Scoutmaster was the new owner of a local dry cleaning shop. These Wamego scouts, like most scouts of that era, did not have uniforms, but wore white shorts and white shirts. The following summer the troop went to Brown's Memorial Scout Camp south of Abilene for a week. By then Dick had passed the requirements for Tenderfoot and for Second Class. Abruptly the troop folded—the Scoutmaster ran off with another man's wife, and there was no one to replace him. Years later Richard D. Rogers easily recited the twelve parts of the Scout Law: "trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent." However, his scouting experience was short-lived.

Feeding two growing boys was no problem for Evelyn Rogers. Richard Rogers

remembers going home after school to consume great quantities of crackers and milk, even before he ate supper. Apples were generally available from the nearby Glenn Orchard, later owned by cousin Bill Woodruff. In season Bob and Dick crossed the Kansas river into Wabaunsee County to eat watermelons. Typically, during the school year their noon meal was eaten in the Grieves Cafe, where they were allowed to spend thirty-five cents. At times when eating at the Keller Cafe, Dick was sent on his bicycle to pick up two boxes of cigars, generally "White Owls," from a local cigar salesman. For this service he was given a slice of pie. When he was thirteen, Dick had a severe case of scarlet fever and Ella Knecht, an employee in the Rogers store, made him a pink dessert which was much enjoyed. Thereafter, it was known in the family as "Ella K." Breakfast and supper found the family together, eating food usually prepared by the high school girl living with them.

Both Bob and Dick learned to drive the family car from their parents. Dick, at age thirteen, received extra instruction from Joe Murphy, an employee of the Wamego Drug Store. There he drove a Model A Ford for making deliveries to the Genn Hospital and to other customers. The family car was used by Bob when it was his turn to drive other Wamego students to Kansas State College before the family moved to Manhattan. Rarely did Bob or Dick have the use of the car for dates when they were in high school.

The Rogers name was well-known in Wamego, primarily because of J. C. Rogers who came to Wamego with money when the town was only ten years old. He acquired many large paintings used at the World's Columbian Exposition in 1893 in Chicago and installed them in his Columbian Opera

House. By the 1930s he had a big house and was the primary owner of the First National Bank in addition to the Columbian Opera House, converted to a motion picture theater. He was no relation of William C. Rogers, which led Richard Rogers in later years to say we were the "poor Rogers" not the banking family in the big mansion.

Political party activity was of little concern for the William C. Rogers family during the Wamego years. Dick remembered the excitement of seeing "Doc" Brinkley drive up in a huge touring car to a band concert in the City Park in 1930. Belatedly, Brinkley entered the statewide race for governor, and ran as a "write-in" candidate. Dick, almost nine years of age, was riding his stick horse and keeping time to the music. He remembered Brinkley in his white suit and recalled that he acted and "looked like a god." Dick's grandfathers and great grandfathers had been solid members of the Republican party—sometimes their party affiliation was proclaimed in their obituaries. After backing Republican candidates since he could vote, William C. Rogers transferred his support to the Democrat, Franklin D. Roosevelt, during the Wamego years. He took his sons to hear FDR when he spoke in Kansas City in 1932, and he voted for him the four times he ran for president. After Roosevelt's death, although he had nothing against Harry S. Truman, William C. Rogers gave his allegiance again to Republican candidates. William C. Rogers followed and understood political developments, but Evelyn Rogers was less pronounced in her political views.

During the Depression years of the early 1930s, the Rogers store was just getting by. There was never any problem of having enough food for the family, but there was very little extra money. Accounts payable by



Dick Rogers in front of the Wamego Drug Store

customers, who really intended to pay, had grown large. Neither Bob nor Dick received an allowance. Their outside jobs were expected to provide them with needed spending money.

In 1935, William and Evelyn decided to get out of the grocery business, reduce the size of their store and to concentrate on ladies ready-to-wear apparel. In making this move, they purchased the building, known originally as the Clardy Block, just north of their store on the corner. This building occupied half as much ground as the cor-

ner structure and was the only three-story building on Lincoln Avenue. Built in the 1870s, it had housed a succession of businesses, including the First National Bank, Knostman's Clothing, a Candy Kitchen, and a Cafe, while either a Lodge Hall or living quarters occupied the second and third floors.³ Bob and Dick, in high school by 1935, picked rooms on the third floor, while the parents, and their country girl boarder attending high school, had plenty of space on the second floor in addition to living and dining rooms, and kitchen. The boys had to use an outside stairway which provided access to the third floor without going through the other parts of the apartment. So they considered it an advantage to have their own private stairway when they returned home late.

Dick's favorite teacher in the Wamego school system was a Mrs. Beeson who taught seventh. He had no problems in doing fairly well with his courses, but he never took school work home for additional preparation. That was unheard of, no one that he knew ever thought of homework for school. Formal athletics in the Wamego schools began in seventh and eighth grades, where Dick played on the basketball teams, coached by Blanche Kaine, which won the county championships. Blanche Huey Kaine's family in Louisville had both a boys' and a girls' basketball team, all in the family.

By that time, both Bob and Dick had been in the Wamego Juvenile Band for several years. Bob played trumpet and Dick clarinet. A big trip every fall was a journey to the Topeka Free Fair. The band director, Virgil D. Belfield, also directed the band made up of students at the Odd Fellows Home, located west of Manhattan. At times the two bands were combined for the free

fair trip. Dick had completed his first year in high school when the Wamego Juvenile Band went to Topeka in 1936 to play in the parade accompanying the official notification of Alf M. Landon as the Republican candidate for president. Realizing that the parade route was very long and that band members ranged in age from eight to eighteen, a "circus band wagon" was built by the local Lions Club on the chassis of a truck so that the band could "ride" in the parade.

The "curb service" job at the Wamego Drug Store became a year-round part time job by the time Dick was in seventh grade. He began working all day Saturday and part of Sunday afternoon and evening, plus occasional evenings each week after school. He earned from \$2.30 to \$3.00 per week, with as much as \$10.00 per week during the summer months. By that time his good friend George Robert Jones had a weekly allowance of \$5.00, which kept things in perspective for Dick—he had to earn his allowance. By 1935 Dick was buying his own clothing—often at O.B. Larson and Sons, just north of Fifth Street on Lincoln Avenue. A suit there cost about \$12.00 and Dick usually lacked that much money. So he would pay part of the cost with weekly payments made each Saturday night until the clothing was paid for.

The Wamego Drug Store, the Columbian Theater (used also for school assemblies and musicals) and Grieve's Cafe were the gathering places for Wamego's youth. Dick was in the center of activity in his job at the drug store. The large radio at Wamego Drug Store attracted many listeners during the baseball season. Most residents of Wamego were St. Louis Cardinal fans—Dick Rogers preferred the New York Yankees because a good friend, Ben Hartloff, was for the Yankees.

The Wamego Drug Store was also the place for convivial conversation and good cheer for many professional men in the community. Their stories and indications of their affluence impressed Dick with their interesting lives. Two of these regular visitors to the drug store were attorneys Delmas Hill and Robert Kaul, who gave him the vision of studying law as a career. Hill and Kaul advanced respectively in later years to positions as judges in the United States District and Circuit Courts and the Kansas Supreme Court.

"Brownie" Stelzner had arranged his Wamego Drug Store with nice booths in the back. They proved to be ideal spots for drinking pale or near beer, laced with alcohol or whiskey, carried by the users in medicine bottles. Officially, Kansas was a dry state, even after the national repeal of the Eighteenth Amendment to the Constitution in 1933. Not until 1937 did Kansas permit the legal sale and consumption of 3.2 beer, and not until 1949 was it legal in Kansas to drink beverages containing more than 3.2 percent alcohol. However, alcohol in far greater proportions was consumed regularly in the Wamego Drug Store, in near beer and later in grapefruit juice. A bootlegger named Bobby Sauers sold alcohol or whiskey from a small building, no bigger than half a garage, attached to the back of the drug store. There was no indication that bootlegger Sauers was having trouble with the law—it was assumed that the police and the county sheriff knew what he was doing. For example, deputy sheriff Monty Finney had previously worked at the drug store as an unlicensed pharmacist. He had to quit as druggist because of his lack of training. As a sheriff's deputy he still hung around the drug store and must have known what was going on.

Two of the regular users of Sauers' alcohol in pale beer died suddenly and it was assumed that the pale beer was the culprit. Thus, the later use of grapefruit juice, and later there were other combinations with something else. One of the social drinkers in the Wamego Drug Store was a dentist, a Dr. Huey, whose office was upstairs. Richard was intrigued about Dr. Huey's ability to spin a coin on the counter and he learned the art of spinning coins the same way. Dr. Huey was unmarried and regularly dated two of the nurses, whom we'll call Betty and Virginia, who worked at the Genn Hospital. When Betty worked nights, Dr. Huey dated Virginia; when Virginia worked nights, he dated Betty. He would bring his date to the drug store; they would drink together for awhile, then they'd go upstairs to his office. The drug store had a marble machine that Dr. Huey played for hours at a time. He was also a sports enthusiast. At times when a Wamego high school team won a game, he gave Dick a dollar. Dick assumed that the dentist had just won a bet on the game.

School activities for Dick Rogers' senior year in Wamego Rural High School can be more easily reconstructed because of the scrapbook prepared for Dick's best friend, George Robert Jones, by his sister "Kak", or Kathryn. After Jones was killed in 1945 on his twenty-fifth mission as a bombardier flying out of England, the scrapbook was given to Rogers.

Extracurricular activities, such as sports and music, took much of Dick's time. He was younger than any other boy in his class. Nevertheless, by the time he was fifteen years of age he reached his full height and was playing on the high school football and basketball teams. Born on December 29, he would have been a better athlete in

high school had his parents waited an extra year before starting him in school. But, had there been that delay, later developments in his career would not have fallen into line in the way they did.

Football in Wamego had a history going back to 1883 when a teacher there got a group of bigger students together, explained the rules one morning and gave them an opportunity to play. "The game was so interesting that the students were allowed to play the rest of the afternoon. During the afternoon session the ball was kicked into the yard of an enraged lady who punctured it with a butcher knife. That was the last play of the game."⁴ When the rural high school for Pottawatomie County district number 1 was formed in 1887, the only course offered was the preparatory course for college. Other changes in course offerings came through the years and the student body in 1896 grew to about one hundred. Athletics was started at the high school about 1900.

Through the years the Wamego Consolidated Rural High School had excellent teams, which competed with neighboring, generally smaller, schools. By the 1930s, Red Raider football teams were outstanding under coach W. E. "Pee Wee" Grout, a graduate of Washburn. Grout also coached basketball in the late 1930s, and while the teams gave a good account of themselves, the players were not well coached, and since most of them had played football in the previous weeks, they were not ready to play a disciplined game of basketball. Earlier the basketball coach had not coached football and Wamego teams had greater consistency and balance.

High school football, as played in the 1930s, differed greatly from the game that

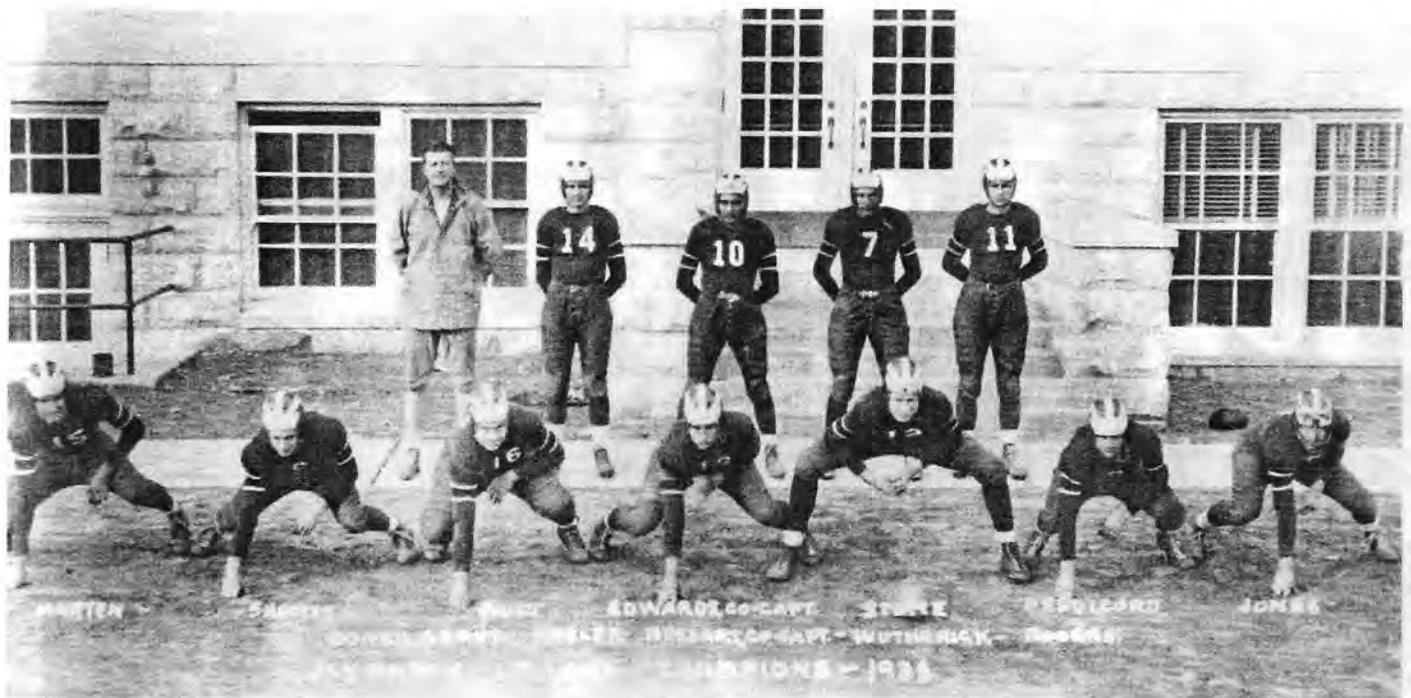
developed later. Lighting of football fields had just been developed for night games and, consequently, many of the games began Friday at 7:00 p.m., instead of the middle of the afternoon. Admission prices varied from ten to twenty-five cents. Wamego's squad began the 1938 campaign with ten returning lettermen, all seniors, and twenty-two other players. Playing surfaces were poorly taken care of and generally the team practiced all week on the same turf. A practice or game on rain-soaked grass would tear up the surface, so that most high school football grounds in Kansas had less and less grass in the center of the field as the season progressed. The surface was often muddy or was crusted, hard earth. Shoes were typically cleated with built-up leather cleats. Football uniforms were heavy, shoulder pads and hip and thigh pads might be leather or of heavy composition construction. Helmets were leather, with harder, composition helmets making their first appearance in the late 1930s. A team would have a few new footballs at the beginning of the season, with the best being reserved for home games. Running plays were emphasized, the pass was an infrequent offensive weapon, but still important. Offensive formations had not yet been devised that started almost every play with the quarterback receiving the ball from up under the center. Generally the ball went directly from the center to the back who would put it in play, although some deception had been developed where linemen would double-team an opposing defender or where linemen would pull out to lead the offense. Kicking was not highly developed, punting was generally done by one of the backs already in the game. Few Kansas high school players weighed more than Dick Rogers did as a senior—170 pounds.

The rules in use in Kansas high schools did not permit substitution of more than three players at a time, except at quarter breaks, when an entire team could be substituted. If a player left the game he could not return until the next quarter. Thus, the defensive team was generally the same team as the one engaged in offense. These rules had some influence over maintaining the best team on the field throughout the game.

When Dick was a senior, in 1938, he generally played left halfback. Wamego won the Jayhawk League championship with the following scores:

Osage City	24 to 0
Onaga	33 to 0
Frankfort	37 to 0
Eskridge	18 to 0
Seaman	13 to 12
Alma	19 to 0
McLouth	40 to 14
Topeka Catholic	19 to 0
Highland Park	6 to 0
TOTAL	209 to 26

Newspaper accounts for the nine games played by the 1938 Red Raider team show Rogers being mentioned more than twenty times. These were mostly for making touchdowns or for intercepting passes. Had he been the best lineman around, he would not have gotten such publicity. It went to the player who handled the ball. He was identified as a "hinge-hipped Wamego backfield star," in the Topeka Catholic game, when he made all three touchdowns, two by runs, and one in receiving a pass. Altogether for the season, he made eighteen touchdowns, roughly half of the team's points for the year. Yet, when asked at the season-ending football banquet to name his most important football memory, he recalled a team effort,



Dick Rogers was #11 on the Wamego High School football team

“When I saw Ernest Bussart kick the winning point to beat Seaman 13-12.” In that game Wamego was behind until the final minutes. Another high point could have been the victory against Highland Park, which was preserved when Rogers intercepted a pass on the goal line. This was Wamego’s first unbeaten, untied football team since the 1922 season. The football year, 1938, brought Richard D. Rogers his third football letter—all played as wingback or left halfback.

The season ended with the Third Annual Football Banquet, sponsored by the Wamego Lions Club. Additional recognition came at a chili supper given by Mr. and Mrs. Glenn Stewart, Mr. and Mrs. Harry Graham and Mr. and Mrs. Wesley Grout.

At the conclusion of the season, Dick Rogers, as left halfback, was named captain of the 1938 First-team All Stars of the Jayhawk League, selected by the Topeka *Daily Capital*. Dick was also on the first team in

the league’s All Stars selected by the coaches, along with teammates George Robert Jones, Ed Edwards, Eugene Stone, and Ernest Bussart. Later, Rogers was selected by the *Capital* for its All-State third team, along with two classmates who received honorable mention.

Early in his football career, as a sophomore, Rogers injured an ankle severely. It gave him no major trouble—until sixty years later. His major football injury came in the Topeka Catholic game as a junior. While playing defense, he was hit with his arm extended in such a way that his left shoulder was dislocated. It did not bother him as a senior, but it went out again when he dove into a lake that summer. That injury would plague him later.

The basketball season of 1938 was a memorable one for the Wamego Red Raiders. Dick Rogers was a first team guard on a senior-dominated team which won the county championship and the Jayhawk League.



Wamego's championship basketball team when Dick Rogers (#21) was a junior

The basketball result of 1939 was not nearly so good, still they had a ten won, four lost season, and tied for third in the Jayhawk League. Rogers and Jones represented Wamego on the first team Jayhawk League All-Stars. In the County Tournament, Wamego won its first game then lost to Havensville. They fared no better in the District Class "A" Basketball Tournament held in Wamego, where five of the eight teams were from the Jayhawk League. Dick received his second basketball letter in this

third year he had gone out for the team.

In the 1930s, the beginning of a basketball game and the start of play, following a score, began with a center jump. Dick Rogers during his senior year was five feet, eleven inches tall, not the tallest on his team, but he was the best jumper. So he jumped center and tried to get the ball to George Robert Jones, who would take it in for a basket. Outside the center jump, Rogers played guard. The two biggest scorers that year were Jones and Rogers. Refer-

ees viewed basketball as a noncontact sport, and a player touching another player could be called for a foul, an infraction of the rules. Four fouls and a player was out of the game. Organized plays were seldom used. Play was not hurried by a clock. The area near the basket could be patrolled by a defensive team, unencumbered by a later rule which allowed only three seconds for an offensive player "in the paint." One team, if it had good ball handlers and a tall center, could control the ball for the entire game. Most games were low-scoring, with Wamego's high score usually in the 20s or 30s, however one game in 1939 did get to 55.

Wamego High School's daily schedule was from nine to twelve and from one to four. Classes began the day after Labor Day in early September and concluded late in May. Fall holidays came on Armistice Day, November 11, and on Thanksgiving Day, the last Thursday in November. Almost every year football games were played on the afternoons of these holidays. Christmas and New Years came in a two-week vacation each year, and Lincoln and Washington's birthdays might be observed in February, but ordinarily they were not school holidays. Generally, a student enrolled in four hour-long classes each day and had an assigned study hall. An activity period allowed participation in band, or chorus, or clubs. The Wamego high school faculty in 1938 numbered fourteen, and the student body for this four-year high school was about 250.

During his high school years, Dick Rogers was a member of Hi-Y for four years. Hi-Y, the high school equivalent of YMCA, had a large membership of about sixty Wamego high school boys. He took journalism his senior year and served in various editorial positions for *The Wamego*

Buzz, a mimeographed paper put out for two cents per copy by the combined efforts of the journalism class and the typing class. Some of this copy was sent to Wamego newspapers. In one issue, Rogers appeared in the section entitled, "Who's Who in the Senior Class." It said that he had been in glee club all four years, and had appeared in five operettas, that he had a speaking part in last year's play, and that he had "been on the honor roll many times." Also, Dick was vice president of his freshman class, president of his junior class, and he was the "handsome Romeo of the senior class," whose favorite teacher was W. E. Grout, and that his ambitions included going to college and studying law.

Dick Rogers, as the "handsome Romeo," dated many of the girls in high school. He was attracted by Beth Stewart, but there were limits to her socializing. She could not be out late, she spent much of her extra time on her music—"her mother ran a tight ship." As "a bit of a rounder" because he joined in partying with older people who drank, Dick had the feeling that Beth's father did not approve of him. Harold Stewart had valid reasons. Dick Rogers belonged to the drug store crowd at too early an age. Later his view toward Rogers as a prospective son-in-law became more cordial. The Stewarts were an old family in Wamego, they had money and at various times, members of the family held important positions in city government. So he dated Janie McMillian, Margie Dodds and others who were good dancers and they went to dances in the nearby communities of McFarland, Onaga, and St. Marys. By the time high school commencement came around, Beth and Dick appeared in photographs together, so some sort of understanding appeared in the offing.

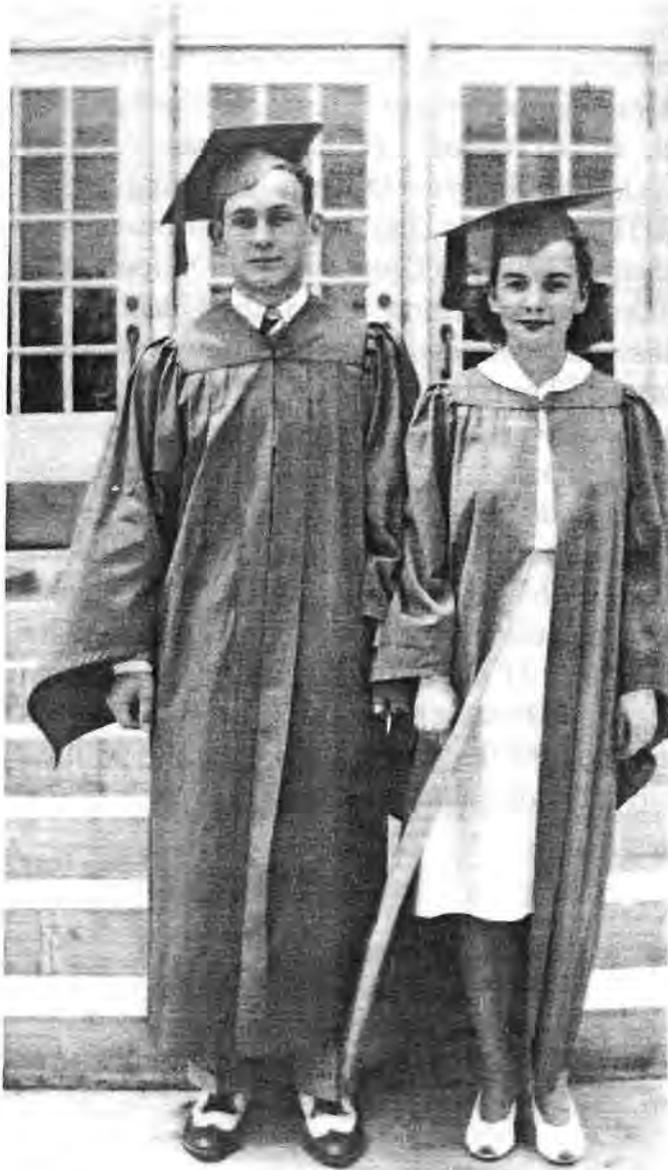
The new Wamego Consolidated Rural High School building was completed in 1938 in time for classes to be held in that new place on North Lincoln Avenue. It was built during 1937 and 1938 under the auspices of the Public Works Administration, which paid 45 percent of the \$180,000 cost of construction. PWA was the federal government's program to put the heavy construction industry back to work, and was different from Works Progress Administration (WPA) which was a relief program organized to provide jobs using minimal skills. After some five months of use, the new building was officially dedicated on February 1, 1939. Open house was held in the afternoon and the dedication ceremony was held in the evening. The class of 1939 was the first to graduate from this building.

The Wamego high school Junior-Senior Banquet, with the theme "In Mother Goose Land," held in the high school gymnasium, came on May 12. Following the meal, there was a program and a dance. Commencement week began with a Sunday morning Baccalaureate held in the gym on May 28. The commencement on June 2 for the Class of 1939 was the first Wamego graduation to use caps and gowns. Included in the program was a Trumpet Trio, with Beth Stewart as one of the trumpeteers. Only one boy was listed among the nine honor students whose grade averages were above ninety per cent. Dick Rogers' grade average for the four years was about eighty-nine per cent. The Class Motto, appropriate for this era in national history was, "Tonight we launch, where shall we anchor."

An unusual activity for the Wamego high school class of 1939 was the year-long planning for a sixteen day, 4,000 mile trip to the west coast. Plans got underway early in the

school year with a meeting for the seniors and their parents. The cost of hiring a thirty-six passenger Santa Fe Trailways bus was \$1,375.35. Two additional cars would accompany the bus, one pulling a one wheel trailer to carry donated food and an ice box. Each of the forty seniors making the trip paid \$2.00 per month during the nine month school year, producing \$720.00. Additional money was raised through a variety of school activities, including the senior counter at athletic events, the sale of Minstrel tickets, the sponsoring of dances, and the presentation of two, one act plays. The program in the intermission between the plays included the girls sextet, a solo, "The Angels Sing" by Dick Rogers, and the boys trio, with piano accompaniment provided by Beth Stewart. Special sales at area businesses also produced income. For example, "Senior Day at the Wamego Drug Store," on May 27 featured either pie or cake a la mode, with the senior class sharing in the fountain proceeds.

Overall cost was substantially reduced by the tour group stopping each night at a school, where they were housed in the gym. In case no school was found, they had two large tents to accommodate everyone. Each member of the group took a folding cot, blankets, and necessary clothing. Articles for everyone to take included: a "good disposition that will last one full trip, ability to give and take without crabbing, [and] realization you are responsible for your clothes & money." A schedule was worked out. The Kansas governor, Payne Ratner, assisted in writing letters to boards of education for overnight stops and by "obtaining permits to go through the different states without paying a license fee." Five chaperones accompanied the party. A night letter was dispatched



Dick Rogers and Beth Stewart, graduates of Wamego High School

to Wamego at each overnight stop, where it was posted in a business window. Also, a letter was airmailed to a Kansas City newspaper each day by the class valedictorian.

The *Kansas City Star* picked up the story and gave it extended coverage, showing pictures of the class standing before the bus, a map of the route, and the chaperones. This story was glowing in its description of

Wamego and the support given to the senior class. It also described the overall success of the class in raising five hundred dollars more than the cost of the bus trip. That money would buy an evening meal each day—the other two meals would be prepared from food taken in the trailer. One of the story's paragraphs was headed, "Not Nervous, But Thrilled," and it said, "Shortly after visiting the bus, Dick Rogers, cool and deliberate halfback on the school's football team and one of the travelers, was back at his job of jerking sodas. When asked if he was nervous over the imminent journey, he replied he wasn't. But he did volunteer it was his first trip away from Wamego, save for brief jaunts to nearby towns to play football. No, Dick wasn't nervous. Hadn't he just said he wasn't? But his shaking hand almost spilled the limeade and he rang up the same dime twice when he dropped it into the cash register."⁵

Following a Sunday evening parade honoring the just-graduated seniors, the trip got underway early on Monday, June 5, three days after commencement. The first day's journey was to Pampa, Texas, the only time they went farther than five hundred miles. The next day they saw Carlsbad Caverns and stopped overnight nearby. El Paso, with a side trip to Juarez, Mexico, occupied day three. The fourth day they got to Mesa, Arizona, and the next to San Diego, California. A week was spent in the Los Angeles area, including a side trip to Catalina Island. The return stops included Las Vegas, Nevada, Grand Canyon, and Holbrook, Arizona, Albuquerque, New Mexico, and La Junta, Colorado. In its follow-up story the *Kansas City Star* counted seventeen newspapers which had printed accounts of "the trip." Through the years, the Class of '39 recalled

their post graduation trip. When the survivors showed up for their 50th class reunion on July 2, 1989, the local newspaper featured their story with much space devoted to that journey through eight southwestern states.⁶

Once graduation and the trip were out of the way, plans were implemented for the coming year. Some Wamego high school graduates took full-time employment, others planned to go to college, and several went into the armed forces. Dick Rogers wanted to go to college, but he did not know where when asked earlier in the year. He considered University of Kansas and Washburn, because of their law schools, but it soon became clear that he lacked sufficient funds to go where his parents did not live. He had saved about two hundred dollars for college expenses. For two years his brother

Bob traveled twenty miles to Manhattan with other college students from Wamego to attend Kansas State College. He had a small job in a student grant program. As an advanced Reserve Officers Training Corps (ROTC) student, he received an occasional stipend. William C. and Evelyn helped Dick make up his mind when they decided to close the Wamego store and move to Manhattan. Then both sons could live at home, reducing primary expenses in going to college. Kansas families had helped their college-bound children in this manner for at least half a century. Many parents made the big step of moving their family to a college town to provide low cost lodging and food for members of their family. Often it involved the breadwinner seeking a new job—at other times the move could be made without such a major change.

*Chapter III***K-State and World War II**

After four years with Rogers' ladies ready-to-wear on Lincoln Avenue in Wamego, William C. and Evelyn Rogers decided to close the business. They moved to Manhattan to assist their sons with their college expenses by being able to live at home. At first that was an apartment at 527 Moro Street. Evelyn got a job in ladies ready-to-wear at Stevenson's, and a short time later she began work in a similar department at Cole's. Both Stevenson's and Cole's were located on the south side of the 300 block on Poyntz Avenue, the city's main street. There she was employed the remainder of her working days. William C. had a harder time locating work. Eventually he became a route distributor for a cookie company. The family soon moved to a small rented house at 1031 Poyntz Avenue, cater-cornered from the southeast corner of the City Park. In Manhattan they had a dial telephone for the first time – the community had such phones for half a dozen years. Their number on Moro was 2-8298, changed to 2-8200 on Poyntz.

Dick's skill in football was known. He was invited to try out on the freshman football squad by Kansas State College's head coach, Wes Fry. Freshmen did not play in the Big Six Conference. Generally they were coached by a recent graduate and were employed as the opposition team to practice against the varsity. There were no football scholarships in that era, so the coach got a job for Dick for the remainder of the summer of 1939 at the highway laboratory in the Division of Engineering.

The Rogers family had moved to a much larger community than any they had lived in before. Although its city area scarcely exceeded the two square miles laid out in the late 1850s, Manhattan had a 1940 population of 11,659. The 1939 student body at Kansas State College for the first time numbered more than four thousand, a considerable difference from the two hundred fifty at Wamego high school. Two out of three K-State students were male, a major differ-

ence from the balance of the sexes in high school. Most K-State students faced a similar situation, confronting much more academic competition than they had faced before.

Eventually the Rogers family had two cars in the household, a small red Chevrolet coupe with a rumble seat, which Evelyn drove to work, and another for William C. to enable him to do his sales work. When the store building was sold in Wamego, William C. took his small equity and bought a better

used car. Dick or Bob could borrow the coupe at night for dates, but they had no daytime use of an automobile. To get to the K-State campus they walked from their home on Poyntz by diagonally crossing the City Park and entering the campus either at the Blue-mont Avenue gate or the gate on Anderson Avenue, just west of Fourteenth Street.

K-State's two- and three-story limestone buildings occupied forty-five acres that had become the campus in 1875 when a move was made closer to Manhattan from its original site on College Avenue. The library building had been completed in 1927 and both sides of the stadium, with accompanying locker rooms and football offices, were enclosed with substantial stone walls in the 1930s. The newest structure on the campus was massive Willard Hall for physics and chemistry, put into use in the first year Dick came to K-State. Everything else, even the trees and landscaping, was of pre-World War I vintage—four of the buildings were erected in 1876 or earlier.

Registration for students at K-State was held in Nichols Gymnasium, with most of the three hundred faculty there to handle the chore. The wooden gym floor was covered with sawdust, tables and chairs filled much of the space, and students went to assigners in their curricula, Bob to journalism and Dick to business administration. Both were in the Division of General Sciences. Registration for the eighteen-week semester for new freshmen took place on September 8. Classes met for the first time on Wednesday, September 13.

Each new student at K-State paid a one time matriculation fee of \$10.00. There was no tuition. Instead of tuition there was the fiction of a semester incidental fee of \$25.00 and a laboratory fee of \$17.25. In addition,

\$5.00 was charged for student health and \$7.50 for student activities (which paid for attendance to all sports and cultural activities on campus.) The total semester fees for a first time in-state student was \$64.75 and \$54.75 for returning students. The money equivalent more than fifty years later would increase that 1939 amount by at least ten times; fees in later years verify such a comparison.

Book costs varied, but an average freshman student in General Sciences could expect to spend \$20.95 for the first semester and \$4.00 for the second. New or used books were purchased in two private book stores in Aggieville, just off campus. The military uniform for freshmen and sophomore men taking the required courses in military science was provided by the U.S. War Department at no cost. It looked the same as woolen army enlisted uniforms, except that the lapels were made of blue cloth. Rifles for use in close-order drill were locked in racks in the gym and were available at the time of weekly drill.

There were other minimal expenses, such as rental of a post office box in Anderson Hall (which could be shared with other students) at a cost of 35 cents per semester. There was no extra cost for the biweekly student newspaper, the *Collegian*, or for the student annual, the *Royal Purple*. They were paid with the activity fee. However, a student paid a small amount to have a picture taken for the annual in Aggieville at Studio Royal. Dick did not get a picture for the annual's student section the first year he was at K-State. Use of one of the two campus public parking lots was available without a permit, as few students drove cars. Most of the faculty and staff also walked to the campus. There was a single campus cop, Harry Morris, and he had no student assistants.

Upper class athletic lettermen sold freshmen purple and white beanies to entering male students for \$1.00. They insisted that beanies be worn on Fridays before football game days and enforced their rule with wooden paddles. They also discouraged the appearance on campus of letter sweaters, other than those won in K-State athletics. So Dick could not wear his W letter sweater for his excellence in Wamego high school football and basketball.

If a student opted to join a fraternity or sorority, there were additional expenses. The Miller family in Oberlin had known the Rogers when they lived there, and through them Dick was recruited by Beta Theta Pi fraternity, which had a fine, new house at 500 Sunset Avenue. Since he lived with his parents in Manhattan, he was a "town boy." His frat costs were much lower because he ate only one meal a week at the house. However, even that was too much for Dick's limited budget. So he mowed the grass for the Betas during the summer and on weekends and did other work to pay his initiation fees and other costs. He felt out of place with the Betas—most of the pledges and actives seemed to have much more money and family position than the Rogers. Close friends at the Beta house included Bob Floersch of Manhattan, whose father was president of the Union National Bank, Pat Sauble from Newton, Dean Porter from Mt. Hope, and Dave Lupfer from Larned.

One reason for Dick Rogers pledging a fraternity was that Beth Stewart became a pledge of Kappa Kappa Gamma. Enrolled in Music Education, she lived in the sorority her second and subsequent years at K-State.

Initially, the football coach had gotten a job for Dick Rogers in the Highway Lab in Seaton Hall, which tested concrete samples

used in building highways throughout the state. While on that job, Dick became acquainted with John Conwell, who kept cows on his land somewhere west of the stadium. The Rogers family purchased milk in big jugs from Conwell for home consumption. Later Dick worked on the "stadium gang" under legendary groundskeeper Emil Miller. Pay for both of these jobs was thirty cents per hour, about average for student jobs then available. Again, a multiple of ten or more would produce the minimum wage of some fifty years later.

Also in the stadium gang was "One Man Gang" Elmer Hackney, outstanding full-back, shot putter and heavyweight wrestler from Oberlin. If he had the chance, Emil Miller enjoyed bawling out his stadium gang in front of other students, and at the same time he loved to roll the dice and gamble with football players. Dick, who had no money, would be posted near the stadium pylon to watch out for Athletic Director Mike Ahearn, whose office was several hundred yards away in Nichols Gymnasium. When he saw Mike leave the gym, Dick would sound the alarm and everyone would be busily working when Mike arrived.

Emil had an old stripped-down Chevrolet which he used as a truck to grade the cinder track and to haul fertilizer for use on the gridiron. Hackney and Rogers found out that empty fertilizer sacks, when lit, would put out a dense black smoke but not flare up. So when Emil was about a hundred yards away, they opened the hood of the car and put a lit sack under it. They acted like the vehicle was on fire and they were trying to put it out. Emil saw the smoke, ran as fast as he could, got a charlie horse, and was mad as a hornet when he found it was a prank. He seemed incensed enough to kill

Rogers, but the giant Hackney was there and nothing happened, except he worked them extra hard the next two days. In days of low cost land, Emil Miller put money into property on Manhattan's perimeter and was a wealthy man when he retired.

Another member of the stadium gang was freshman Bernard Rogers, outstanding hundred and two-twenty dash man from Fairview. Rogers received an appointment to West Point at the end of his freshman year. After graduating from the U.S. Military Academy, Bernard Rogers had a lengthy career in the army which led to the rank of four star general and commander of NATO forces in Europe.

K-State in this era emphasized three hour courses—in which a student attended three fifty-minute lectures each week. These could come on a Monday, Wednesday, Friday schedule, or for mornings could be Tuesday, Thursday, Saturday, because classes were offered five and one-half days each week. Ten minutes were allowed to get from one class to another, barely enough time to get across campus. Dick opted to take the five hour beginning algebra course because he was aware of his lack of mathematics preparation at Wamego High School. This class met daily, Monday through Friday. Laboratory classes met three times as long for each hour of credit. For example, a two-hour lab class met twice a week for three hour-long sessions. A typical student assignment for a semester was for fifteen or sixteen hours. Classes were generally no larger than 20 to 35 students, and most faculty taught twelve to fifteen or more hours each week. Dick liked his history classes, particularly those taught by C. M. Correll and Fred Parrish, and the government course taught by I. Victor Iles, but his favorite professors at K-

State were Merv Harbaugh in zoology and Ed Bagley in economics.

In this time prior to "grade inflation," a grade of A was defined as the top five to ten percent of the class; A's and B's together were expected to go to no more than twenty-five percent; C's went to fifty percent; and D's, Condition and F's went to the bottom twenty-five percent. Thus, a C was considered a "gentleman's grade."

Generally at two week intervals there was a one hour convocation in the auditorium. Most classes were cancelled for that period. However, the old, creaky auditorium could seat only half of the student body, not counting faculty and staff, so none of these gatherings were compulsory. There was no student union at K-State, so student hang-outs, such as The Canteen, or The Palace, were bustling places during student convocations and at many other times. Moreover, smoking was not permitted on campus—so a student with the habit crossed the streets bordering the campus to light up.

Attendance at athletic events, such as football, basketball, swimming, wrestling, track and field, and baseball was already paid by holders of activity tickets. Similarly, the cost of musical events and plays in the auditorium had been prepaid by the activity fee. Student vacations during the fall semester included Armistice Day, November 11, which was a Saturday in 1939, Thanksgiving holidays were from November 29 to December 2, and the Christmas vacation lasted from December 20 to January 3, 1940. Semester exams took place from January 23 to 27 and the second semester registration got under way the last two days of January. Washington's Birthday, Thursday, February 22, was a holiday, and Easter vacation began the evening of March 21 and

ended the evening of March 25. Baccalaureate took place on May 26, commencement followed the next day and the second semester was over.

Although freshmen did not compete in athletics in the Big Six Conference, the frosh, more than a hundred in the fall of 1939, were coached by Owen L. "Chili" Cochran, a football star from a few years earlier. He installed the offensive and defensive style employed by Wes Fry, the head coach. Occasionally, a team of freshmen was used as the scout team to run plays the opposition team was expected to show in the next varsity game. Freshmen got into game situations twice each fall when they were divided into two squads, the purples and the whites, to battle each other. Dick Rogers numeralled—the frosh equivalent of a letter. He received a purple sweater with a modest-sized white 43 for the year he was to graduate. During the spring semester, freshmen were invited to participate in spring practice with the varsity, and there their talents could be more easily assessed. Football practice in the late thirties and early forties often ended after dark and involved much standing around, watching one team go through a play. There were only three or four football coaches, and generally the varsity squad numbered less than fifty, as most of the freshmen no longer saw an opportunity for them to play.

Dick Rogers felt that Wes Fry was a good coach and he looked forward to playing for him—but that was not to be. Fry resigned to go elsewhere, to be succeeded for the 1940 season by John Harold "Hobbs" Adams, who had formerly played at the University of Southern California. Adams brought a line coach with him and used "Chili" Cochran as his third coach to provide transition from

earlier years. It was rumored that Hobbs Adams had been hired virtually sight unseen by the Athletic Council, under the mistaken impression that he was an altogether different Adams.

Head football coach Hobbs Adams installed a different offensive style and he began to notice Dick Rogers, aspiring sophomore halfback, who had gained some ten pounds over his high school weight. He was listed on the second team in several newspaper stories. Dick developed close friendships with others on the football squad—Charles Kier, Gene Snyder, Fritz Gwin, and Lawrence Duncan. He admired football backs Ray Rokey and Chris Langvardt—and at times in the season he was Langvardt's backup. On occasion he would be inserted into a game to give Langvardt a breather. For example, he played in the first two games against Emporia State and Colorado.

In the game played at Colorado, Rogers and Kier were in the defensive backfield at the same time. Colorado threw a pass, Rogers and Kier ran into each other in an effort to intercept and the Colorado player caught the pass for CU's only touchdown. Because the game ended 7 to 6 in Colorado's favor, Adams repeatedly brought up this "dumb play" in Monday's practice. Rogers substituted in the Missouri game and was on the traveling squad in the Oklahoma game, and played in the win over KU—which brought a school holiday on Monday. Then in the week before the game at Michigan State, Rogers dislocated his shoulder for the second time at K-State.

The *Kansas City Star* had a picture and a short story about the injury, stating, "Dick Rogers, sophomore halfback on the Kansas State football squad, suffered a severely dislocated shoulder in practice today [Oct. 29]

and was taken to the college hospital. Rogers, rated by coaches a potential star, will miss Saturday's clash with Michigan State in East Lansing."¹ Briefly the *Collegian* reported in similar fashion that the "promising sophomore" was hurt this week in practice and in the story of the team leaving for Michigan was the sentence, "The only sophomore to crash Adams' starting line-up this fall, halfback Dick Rogers was left at home with a dislocated shoulder."

Many years later Judge Rogers remembered that when he was taken to student health—in a large, stone house, built even before the campus was located around it—he was placed on a table. The doctor assigned his student assistant, who was majoring in veterinary medicine, to put Dick under with ether so they could put the shoulder back in place. The doctor went into another room while the ether was to take effect, the vet student fainted, and Dick got off the table to let the doctor know that his helper was flat on the floor.

During the following week when the traveling squad was announced for the game at South Carolina—a trip that took some 44 hours by train—there was the longest newspaper account of Rogers' football career at K-State. It said, "Included among the boys is Dick Rogers, sophomore halfback, who dislocated his shoulder the week before the Michigan State game. Given no chance to make the trip, Rogers reported to practice Wednesday, for the first time since his injury. His arm was taped tightly to his side to keep him from reinjuring his shoulder. The Wildcat halfback made several fine gains through the first string team, caught some beautiful one handed passes, applied battering blocks and thudding tackles. Coach Adams was so pleased with the

performance that he squeezed Rogers in."²

Rogers did not play against South Carolina, nor against Iowa State or Nebraska, who was bound for the New Year's Day Rose Bowl. However, he had eaten at the training table all season which provided a substantial evening meal after practice and a heavy meal prior to each game. Early in the season the training table was in the college cafeteria in Thompson Hall. During the Thanksgiving vacation it moved to Pines Cafe in Aggieville. Since there were no athletic scholarships, that was the only benefit for being on the varsity squad, except for one ticket for each home game for each year on the varsity. Rogers slightly injured his shoulder again—it was the fifth time counting the initial injury when he was a junior in high school—and he decided to give up football. Because he did not have sixty minutes of playing time in the 1940 season he did not receive a football letter for his efforts. He does not remember this period in his life as a happy time, due in part to his football injuries and his being hard up for money when others around him seemed to want not.

Since he was not out for football, Rogers was no longer on the stadium gang. He sought a job at the Manhattan *Mercury* and *Chronicle*, where he knew Richard Seaton, son of the owner and publisher. Seaton put him to work on the front desk where he sold advertisements and wedding announcements. He worked about six months there, part of the time on night duty with the morning *Chronicle*.

Then Harold Mason, a close friend and a fellow business administration student arranged for another job for Rogers. Mason was the head operator (projectionist) for Commonwealth Theaters—the three



Dick Rogers, K-State halfback, 1940

downtown movie houses in Manhattan. Harold arranged with David Dallas, manager of the theaters, for Dick to serve as a relief operator. He worked mainly at the Carlton Theater, then located a block south of the post office. It was regarded as a fine job for a college student since one could study during the time between reel changes. Rogers' grades improved greatly over his first three semesters, when he was trying out for the football team. He continued with ROTC during his junior and senior years, and conditions changed immensely for everyone with the outbreak of World War II in December, 1941, during Dick Rogers' fifth semester at

K-State. A more hurried schedule was inaugurated, which included enrollment throughout the summer of 1942, and Dick graduated early in 1943.

The bombing of Pearl Harbor by the Japanese on December 7, 1941 was a unique and unifying event for the one hundred thirty-three million people then living in the U.S. Each person past infancy can remember how they heard of the Pearl Harbor bombing and what they were doing at the time. Richard D. Rogers was at home that Sunday. Brother Bob, a Second Lieutenant in the Infantry, was home on leave from his post at San Antonio, Texas. He left immediately to rejoin his division.

Robert Rex Rogers majored in journalism at Kansas State, learned Spanish so that he could speak and write it, and was in advanced ROTC. When he graduated in July, 1941, he was commissioned a Second Lieutenant in the infantry and sent to the Second Infantry Division stationed at Fort Sam Houston in San Antonio, Texas. When the war broke out, his knowledge of Spanish caused the army to move him to the role of a censor of Spanish materials. Later he was sent to Caribbean islands where Spanish was spoken and to South America for the duration of the war. While stationed in Brazil he also learned the Portuguese language.

Robert Rex Rogers opted to remain in the army after the war ended even though he had to take a cut in rank to master sergeant. Traditionally, the military has not provided recognition for people with knowledge of a variety of languages. Robert was married to Marie Lane in 1948 and had two children, Rex Lane Rogers and Eva Marie Rogers.³ When the Korean War began, Robert was in Japan. His unit was quickly transferred to

Korea and after MacArthur's end-around maneuver at Inchon, South Korean, American and other United Nations forces pushed the North Korean army far to the north, almost to the Yalu River when the Red Army of China entered the fray. Robert's unit was barely able to escape from the Chinese over a narrow route, and the Korean War settled down to a long battle of attrition near the 38th parallel.

After twenty years in the army, Robert retired to Florida where he taught for two years in the Mount Dora high school. Then he took a position in the Social Welfare Department of the state of Florida where his knowledge of the Spanish language was helpful. He remained in that position for twenty years and retired for a second time.

Richard D. Rogers, like his older brother before him, took four years of ROTC. Kansas State was a land grant college, a recipient of the Morrill Land Grant College Act, passed early in the Civil War in 1862. One obligation of all land grant colleges was to offer instruction in "military tactics," which came under various guises prior to establishment of a national program of ROTC shortly before the United States entered World War I. For years, the first two years of ROTC was strongly recommended for all male students.

Strong agitation to make ROTC optional which came from anti-military students in the mid-thirties, caused the K-State president, Francis D. Farrell, to ask the Kansas legislature to mandate two years of ROTC for every able-bodied male student at a land grant college. This legislation applied only to Kansas State College, the sole land grant college in the state. Students received one hour credit for each of the first four semesters of required ROTC. Thus, all eligible



Harold Mason and Beth Stewart with Dick Rogers in a picture taken after Dick transferred to the Army Air Corps

graduating male students had at least 124 hours of required credit, four hours more than female students.

Advanced ROTC for the junior and senior years was available to those accepted into the program, and students received three hours credit for each of four semesters. Between their junior and senior years, advanced ROTC students were required to successfully complete a summer camp in their army specialty. They were then commissioned Second Lieutenants in the U.S. Army upon graduation.

Students, such as Richard Rogers, who were in the midst of their advanced ROTC program when the war began, were to face sudden changes. Summer camp was out because military installations were too busy. So those in advanced ROTC were sworn in as corporals in the army and placed in a speeded-up program which included coursework through the summer of 1942. Rogers still lived at home, and he and other advanced ROTC students received no stipend or tuition grants in their new role,

nor did they wear army uniforms, except to ROTC classes. A single benefit was an early dating of their promotion to corporal. Rogers, and many other advanced ROTC students, graduated almost six months early, January 23, 1943.

Following graduation Rogers was sent to Fort Leavenworth where he received his stripes and uniform, then he reported to the infantry's Officers Candidate School at Fort Benning, Georgia. He successfully completed the ninety-day course and was commissioned a Second Lieutenant in the United States Infantry on May 15, 1943. The army was officially segregated during World War II, and Blacks were generally assigned to separate units, but in Rogers' graduating class photograph, there appear to be at least ten Blacks scattered among the three hundred class members. It was at Fort Benning that Dick Rogers saw Franklin D. Roosevelt for the second time. Presumably, the president had come to Georgia to recuperate in the waters of Warm Springs, and as Commander in Chief had come to review troops at Fort Benning.

World War II began in Europe in September, 1939, and even earlier in East Asia. Using the elements of surprise and prior preparation, Axis nations had advanced upon almost every front. During the first few years the war had gone badly for Allied powers—in the Pacific, in Europe and in Africa. War and Navy department planners in Washington were anticipating a long, costly war that conceivably could last until 1949. Millions of American youth, male and female, were recruited and drafted into the armed forces. For those in college, many were deferred for a short time to provide openings for their preferred assignment. Programs were instituted to keep new personnel moving into the enlisted and junior

officer ranks of the armed forces where they would receive speeded-up training before going into combat. Most critical were the demands from the infantry and for certain technical specialties.

As the nation prepared for World War II, military installations mushroomed throughout the country. Defense industries proliferated and food production reached record levels. Rationing was implemented to assure that supplies needed for the armed forces and for allies would be available. Employment at some task, with so many people in the armed forces, was available to everyone, and women entered many jobs formerly the domain of males alone. U.S. production was needed to support Allied war efforts, as well as to provide for national needs. Taxes increased and civilians, as well as many in the armed forces, purchased Defense Bonds and contributed generously to programs such as the American Red Cross.

William C. Rogers left his route as a cookie distributor out of Manhattan to work in an aircraft plant in Wichita. He maintained a small apartment there and, because of restrictions on "non-essential travel," made infrequent visits to Manhattan. Evelyn Rogers continued to work in ladies ready-to-wear at Cole's Department Store and lived in the duplex at 1021 Leavenworth, which was rented from Dr. Mary C. Harmon. Later the Rogers purchased this duplex. When the war ended, W. C. Rogers returned to Manhattan.

Following officer commissioning, Second Lieutenant Richard D. Rogers was sent to Camp Wolters, Texas. There he taught two sessions of basic training to new recruits. Rogers then attended combat training school, also located at Camp Wolters, where he graduated with honors.



Dick Rogers with his mother and father and family dog, Buttons, in front of home in Manhattan

In a combat infantry course taught by a major, a student asked a question just as the bell rang for the end of the class bringing a loud exclamation of disgust from many fellow students. The major responded with anger and said, "that was the most impolite thing I've ever seen. You people are supposed to be officers and gentlemen. Somebody tell me why you would do something like that. Somebody tell me. We are not leaving until somebody tells me why you would be so impolite." Finally, young second lieutenant Richard Rogers got up and said,

"Major, I don't think its a matter that we're trying to be impolite. I think all of us feel that just asking useless questions to call attention to yourself is not justified. If people asking questions like that would just sit still, they would be told what they're supposed to do in their next assignment. Besides, we need to get to another class, and we just felt that this was totally unnecessary." Years later, Richard Rogers expressed the belief that he would be run out of the building. However, the major liked it and he "graduated with honors." But Rogers' initial assignment was a place in the training cadre, which he did not like. He certainly did not want to stay at Camp Wolters for the rest of the war.

So Richard Rogers applied for pilot training in the Army Air Corps. He recalled that the Air Corps had "pilots out their ears. I don't think any of us made pilot training. They needed bombardiers and navigators in England was the story." After a few days of test taking at Randolph Field, San Antonio, Rogers was sent to Ellington Field, Houston, Texas for pre-flight training. From there he was sent to the bombardier-navigator school at San Angelo, Texas.

After completing this school on May 1, 1944, Rogers was rated an Aircraft Observer (Bombardier) with an effective date of May 20.⁴ For a short time he was attached to the Army Air Base at Lincoln, Nebraska, and then sent to El Paso, Texas, to Biggs Field where he met his crew, the same crew he would be with in Italy. They trained on one of the earlier models of a B-24 Liberator Bomber. The first phase of instruction at Biggs Field was completed during the month from June 15 to July 17, the second and third phases in the following month, July 17 to August 14.

Rogers' log for time in the air began at Biggs Field at El Paso, Texas. He accumulated 251 hours and 55 minutes of nonpilot time in the air by August 17, 1944, when everyone on the crew was sent to the Topeka Air Base, Topeka, Kansas, for assignment overseas. In the twenty months since graduating from K-State, Rogers successfully completed almost every step in preparation for a highly specialized role in combat. He had been shunted aside from his preference as a pilot to becoming a bombardier. When they got to Topeka, "we drew lots, whether we flew or went by ship. *We lost* and went by ship, and I got on two days early, and I was on this Liberty ship 32 days. It took us 30 days from Newport News to Bari, Italy. We were in an 80-ship convoy." Sizable convoys necessarily moved at the pace of the slowest ship in the group. They were under the protection of destroyer-escorts, and sometimes accompanied by blimps or planes to guard against German submarine attacks. From Bari it was only a short drive to the huge air base occupied by the 456th Bomb Group, whose principal weapon was the heavy Liberator bomber, the B-24.

Rogers' bombardier kit, a very important piece of equipment, was never found on the ship. His initiation into active warfare was anything but auspicious. In fact, it fit the World War II term "SNAFU" in every way. After checking in at the air base, he hitchhiked back to the port to try and locate his bombardier kit, "but it was useless." At Bari, he rebuffed a British-speaking homosexual who tried to pick him up. Return to the air base came late at night in the back of a truck, riding next to a dead pilot who had crashed his fighter plane that very day.

Air crew members of the 456th Bomb Group (H), 744th Air Squadron, Fifteenth Air

Force, who had gone to Italy by air some nine months earlier, had departed Muroc Army Air base in California in November, 1943, for Hamilton Field, San Francisco. There they were equipped for overseas duty. Their ground forces and air crew numbers had grown to 2,300 officers and men, and they were assigned 62 new B-24's. An air crew generally numbered ten, and a crew of about twenty on the ground was required for each plane. They then flew to Palm Springs, California on the first leg of their "air echelon enroute to Italy."⁵ Their flight to Morrison Field, West Palm Beach, Florida, was interrupted by a stop at Memphis, Tennessee. From Florida they went south to Puerto Rico, to Trinidad, to airports in Brazil, either Belem or Natal, then across the South Atlantic to Dakar, French West Africa. After a short stay they went on to Tunis, Tunisia, where pilots, copilots, navigators and bombardiers engaged in training flights for the remaining days of January, 1944. Land operations in Italy were still ongoing, and their base was not yet ready for planes.

Most of the ground personnel were not flying. So they went by train across the U.S. from Muroc to Hampton Roads, Virginia, where they boarded the ship, *USS Timothy Dwight*, which departed for Europe on December 15. Again, conditions in Italy did not allow them to go directly so they anchored off Bizerte, Tunisia, on January 8 and crossed the Mediterranean, landing at Naples, Italy on the 19th. From there they were taken to the new base by army trucks, "greeted by absolutely nothing but a bare olive grove."⁶ Shelter half tents and pyramidal tents were pitched and the first meals were the everpresent K-rations. The air base was a large Italian farm. The farm house, in reality a multi-story villa, became the

residence-office of Colonel Thomas W. Steed, commanding officer of the 456th, and an office for his headquarters staff. The large, attached barn provided spacious accommodations for pilot, navigator and bombardier briefings. Nearby was a small medical building, a small squadron headquarters and an officers' club, where heavy drinking took place. Late in the war a group of British WACS was brought in for a party—the assessment, “they all had a bad case of the uglies.”

Very quickly steel matting was laid for a runway to bring in the planes, which began arriving the afternoon of February 1, 1944. During the next week the air crews flew orientation flights and settled into quarters, such as they were. C-rations, more palatable food and a step up from K-rations, were part of this buildup. Later, more typical food prepared by regular cooks was available in the mess tents. By summertime, ice cream could be counted on as an occasional dessert. When Rogers got there in October, he traded his cigarette ration (because he was a non-smoker) for eggs and ate even better than most airmen.

Mail call came regularly to personnel of the 456th. Rogers received a weekly letter from his mother and a weekly letter from Beth Stewart. Almost every letter came in V-mail format, devised to cut the weight of cargo to and from war zones. A microfilm was made of each letter, and the film was sent for printing full size on photographic paper before delivery.

Wintertime brought cold and rain to the Italian peninsula and mud was everpresent. The first mission for the 456th came on February 10, 1944, but dense clouds covered the target area and no bombs were dropped. The group's second combat mission came a

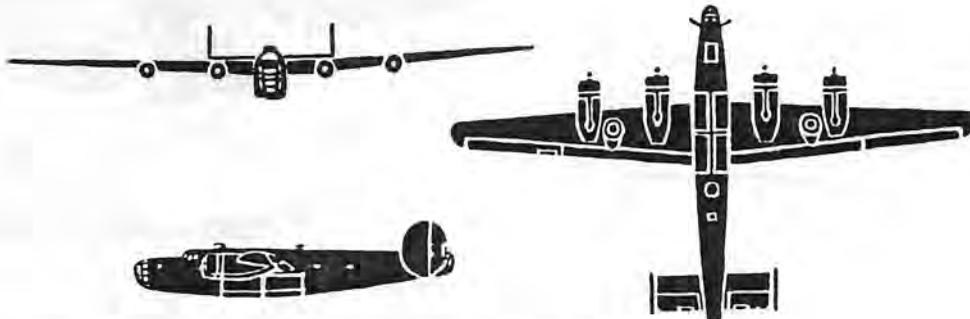


Dick Rogers while in Bombardier's school at San Angelo, Texas. He is still wearing the crossed sabers of the infantry on his collar.

week later when forty B-24's dropped 96.5 tons of bombs on a German army command post near Grottaferrata, Italy. Flak encountered was heavy and two bombers and crews were lost. Such were the risks of the 456th and other air groups in the European war.

Between this first combat mission and mission 142, when Richard Rogers was on his first combat mission with the 456th, the group lost about 65 planes, primarily in combat, but in all kinds of situations. This was about two-thirds of the aircraft losses suffered by that group throughout the war. Heavy losses in lives of air crew came at this

B-24 LIBERATOR



Description: Length--66 ft. 4 in. **Wing span**--110 ft. **Height**--17 ft. 11 in. **Crew**--10. **Speed**--300 mph. **Range**--3,300 miles. **Ceiling**--36,000 ft. **Armament**--ten .50 cal. machine guns. **Bomb load**--12,800 lbs. **Gross weight**--41,000 lbs. **Loaded weight**--56,000 lbs. **Manufacturer**--Consolidated-Vultee for all services and Allies. **Production**--18,188, more than any other U.S. World War II combat aircraft. **Modifications**--included added armor, power-operated gun turrets, self-sealing gasoline tanks, and other armament. Used more in Mediterranean and Pacific theaters, because of its longer range than the B-17. In addition to its role as a heavy bomber, it was used as a tanker and as a transport.

same time—throughout the war the 456th sustained losses of 319 personnel killed in action and 206 missing in action. Many other group members became prisoners of war when their planes were shot down. Again, the first eight months of combat for the 456th represented about two-thirds of these losses.⁷

Two Distinguished Unit Citations were given to the 456th during this early period. The first was awarded because of the bombing of the aircraft factories at Wiener-Neustadt, Austria, on May 10, 1944. The heaviest flak ever encountered to date claimed 5 of the 31 attacking B-24's and the others had from 3 to 100 flak holes in them. The second unit citation was for the July 2 attack by 30 bombers on the Shell oil refinery at Budapest, Hungary, where 8 bombers and crews were lost. Six of the 8 lost bombers came from the 744th Bombardment Squadron, its "most tragic mission of World War II."⁸

Throughout the war about 4,800 personnel served at one time or another with the 456th. Air crews who flew in 35 or more combat missions could elect to rotate home for leave and additional training. Plane losses required a continuous supply of new planes and parts to maintain a full complement.

British planes flew out of Italian bases, and the British often shared bases with the American air corps. Because of heavy British losses in the air early in the war, when they were flying out of their home island, British planes generally flew at night. They divided use of Italian bases by continuing to fly at night, while the Americans generally flew during the day.

The characteristics of the Liberator B-24 with its long narrow wing had advantages for some features of flight, but it could not rapidly lift a heavily loaded bomber to the 20,000 foot level considered necessary for

many flights. So, after planes took off, they circled for many minutes to gain the necessary elevation, or they would head across the Adriatic Sea, gradually gaining elevation to the bombing level. At some time early in the flight the pilots would assume the configuration, known as the box formation, built around a nucleus of six or eight planes. The box gave the big lumbering bombers a better defensive position and coordinated their bombing.

Most of the Americans at the air base, twenty miles south of Foggio, Italy, near the villages of Stornara and Cerignola, were housed in pyramidal tents. Each tent occupied a site about sixteen feet square. By the time Rogers arrived, Italian workers had built a stone, block wall around the inside of each tent to the roof line. A wooden door-jamb and door for entry helped make the tent less subject to draft. Italy generally claims a moderate climate, but wind and rain in the winter time could bring enough cold so that most air corps personnel wore long johns under their other clothing. Heat in a tent was provided by a cut down fifty-five gallon drum, fueled by 100 octane aviation gasoline, piped into the tent and allowed to drip in the fire box. It was controlled by a shutoff valve, along a 1/4" or 3/8" aluminum pipe from a full-size metal drum outside. Ventilation was provided by a black stove pipe from the stove up through the hole in the tent next to the center pole. With this dangerous fuel in use, some tents, with all belongings in them, burned at this base. Rogers and the other three officers from his plane crew were housed together in such a tent.

Showers, about two blocks away, were fabricated from parts available at any air base. Close to each set of tents were wash



Lt. Dick Rogers getting a little sun in front of his tent at the air base in Italy

stands with water brought in by an Italian houseboy, but the "basin" was merely the user's steel helmet. Rarely was there hot water. The "four-holer" privy was an unpartitioned six by eight foot whitewashed Italian block, roofed building. The urinal, a black pipe with a twelve-inch funnel, was placed on another wall. Generally, the door and vent window were screened.

Following Rogers' arrival with the Fifteenth Air Force, his first time in the air in Italy was a noncombat flight on October 15, 1944, of one hour, fifty-five minutes duration. A schedule might vary, but 4:00 a.m. was the usual awakening hour. Pilots, navigators, bombardiers and certain other members of the crew would be taken by truck to group headquarters to get mission information. The mission had been picked during the night, and if the assignment was Vienna, there were audible groans from the listeners. Vienna was one of the most heavily defended targets on the agenda of the Fifteenth Air Force. The 456th alone lost at least ten bombers and crews on bombing runs over Vienna, where the flak was more intense and more accurate than over most targets. Later, Richard Rogers was the

box of planes into a dive. When the order was given to return to the base, some pilots lost their way, others flew their planes dangerously close to nearby planes and landing was almost blind, with only enough light to notice many near misses. Rogers could see some of what happened from his bombardier's window. The 456th Bomb Group alone lost three planes and their crews, which ditched or crashed in the Adriatic Sea. They had not been near the mission's target nor had they confronted enemy fighters or anti-aircraft guns. Rumors around the 456th air base counted sixty lost planes for the entire Fifteenth Air Force on that mission, without dropping a single bomb or seeing a single fighter.

Later, this kind of problem was dealt with more rationally. A raid on Feb. 8, 1945, was altered to a new target—communications at Vienna—while the planes were in the air. The rapid response to this change in plans brought the following commendation from Major General Nathan F. Twining, Commanding Officer of the Fifteenth Air Force: "THE HIGHLY SUCCESSFUL EXECUTION OF THE MISSION OF EIGHT FEBRUARY UNDER CONDITIONS WHICH REQUIRED A CHANGE OF PLANS AFTER THE FORCE WAS AIRBORNE IS A TRIBUTE TO CAPABLE AND VERSATILE LEADERSHIP. PLEASE EXPRESS TO YOUR LEADERS AND THEIR NAVIGATORS MY PRIDE AND APPRECIATION FOR THEIR ACCOMPLISHMENTS." A copy of this document with Richard Rogers' name on it was placed in his personal file.

After Rogers' tenth combat mission, December 11, 1944, the air force public relations office sent information to a Manhattan newspaper which headlined the story,

"Mouse Causes No Panic For Local AAF Bombardier." In part it said, "About to make the bombing run on the railroad yards at Vienna, liberator bombardier 2nd Lt. Richard D. Rogers, 22, of 1021 Leavenworth St., lifted the cover of his bombsight and saw a mouse staring him in the face. . . . his crewmates report, Lt. Rogers picked up the mouse by the tail and threw it into the bomb bay."⁹

"Combat sortie" identified six of Rogers' December flights. The other seven flights were noncombat. He was promoted to First Lieutenant on Jan. 17, 1945. Weather produced nonflying days and only one "accredited combat sortie" came in January, 1945, the one on the fifteenth. The other eleven flights were noncombat. Better flying weather in February produced six "accredited combat sortie" flights and five noncombat flights. In March, "accredited combat sorties" and noncombat flights were equally divided—five each.

On April 7, 1945, the first issue of the mimeographed CONFIDENTIAL "P.I. Review" was issued by the 456th Bomb Group Photo Intelligence officer. The target, head bombardier, and results were listed and analyzed for the March raids. Two, March 21 and 23, were led by Lts. Rogers and Burton. The report for the 21st was for the Neuburg airdrome which had been hit two days earlier by the Eighth Air Force. The "good pattern of bombs" from the Eighth and "very heavy damage" by the Fifteenth with "an excellent bomb pattern" had a combined effect of 80 to 90 percent destruction of the installations, along with heavy damage to planes on the ground. Subsequent information from a German test pilot who had deserted showed an even larger number of destroyed planes on the ground than had been revealed by aerial

Revised list¹ of combat sorties for Capt. Richard D. Rogers, O-512870, bombardier, 744th Bomb Squadron, 456th Bomb Group, XVth Air Force, 520 US Army

Date	Group Mission Number	Rogers' Mission Number	Rogers' Hours in Flight	Rogers' Cumulative Total	Target Description
1944					
10-23	142	1	7:30	7:30	Regensburg, Germany, Winterhafen oil storage
11-4	145	2	7:15	14:45	Linz, Austria, main marshalling yard (M/Y)
11-5	147	3	4:30	19:15	Mitrovici ² , Yugoslavia, troop concentrations
11-11	[000] ³	[0]	[4:00]	—	Aborted mission, heavy losses due to weather
11-16	152	4	7:25	26:40	Visegard, Yugo., bad weather no bombs dropped
11-17	154	5	6:30	33:10	Gyor, Hungary, M/Y, an alternate target
11-18	155	6	7:05	40:15	Vicenza ² , Italy, airdrome
11-19	157	7	7:25	47:40	Vienna, Austria, Lobau oil refinery
11-22	159	8	7:25	55:05	Linz, Austria, M/Y, target of opportunity
12-9	167	9	7:55	63:00	Linz, Austria, industrial area
12-11	168	10	7:45	70:45	Vienna, Austria, south east goods depot
12-17	172	11	8:10	78:55	Odertal, Czechoslovakia, oil refinery
12-20	175	12	8:15	87:10	Pilsen, Czechoslovakia, Skoda Works
12-26	177	13	8:20	95:30	Osweicim, Poland ⁴ , oil refinery
12-28	179	14	7:45	103:15	Kolin, Czechoslovakia, oil refinery
1945					
1-15	183	15	7:40	110:55	Vienna, Austria, Florisdorf M/Y
2-8	192	16	7:10	118:05	Vienna, Austria, communications
2-13	195	17	5:10	123:15	Maribor, Yugoslavia, south M/Y
2-15	197	18	7:15	130:30	Korneuburg, Austria, oil refinery
1-18	200	19	5:30	136:00	Amstettin, Austria, M/Y
2-21	202	20	6:25	142:25	Vienna, Austria, yards and shops
2-25	206	21	6:35	149:00	Villach, Austria, M/Y
3-1	209	22	6:20	155:20	Maribor, Yugoslavia, north M/Y
3-2	210	23	6:40	162:00	Linz, Austria, main M/Y
3-19	220	24	6:50	168:50	Muhldorf, Austria, M/Y
3-21	222	25	7:25	176:15	Neuburg, Germany, airdrome installations
3-23	224	26	7:00	183:15	St. Valentin, Austria, Tank Works
4-1	230z	27	4:25	187:40	Gun positions, north coast Adriatic Sea
4-7	233	28	6:15	193:55	Bressanone, Italy, railroad bridge
4-9	235	29	4:40	198:35	Bologna area, Italy, support of 8th Army
4-10	236	30	4:25	203:00	Bologna area, Italy, support of 8th Army
4-15	239	31	6:35	209:35	Bologna area, Italy
4-16	240	32	6:15	215:50	Bologna, Italy, mission recalled--bad weather
4-26	249 ⁵	33	5:35	221:25	Treviso ² , Italy, motor depot

¹Based on the air log of Capt. Rogers and the book, 456th Bomb Group, by Fred H. Riley.

²Spellings have been corrected for Treviso and Vicenza, Italy, and Mitrovici, Yugoslavia.

³This unnumbered mission came between #149 and #150. See Riley, pp. 32, 44.

⁴Osweicim, Poland, in two places in Riley's 456th Bomb Group, is placed in Austria.

⁵This last combat mission for the 456th, produced results "judged as PERFECT," with a "bull's eye on target--a motor transport depot--with 100 percent accuracy within 1000 feet of the MPI, thereby establishing a new record for the Group." Riley, 456th Bomb Group, p. 43.

photos. The report for the 23rd on the St. Valentin Tank Works showed "severe damage to all installations," which included "six machine shops, and two assembly shops," a "Boiler House," and "Adjoining Coal Conveyor," as well as nearby buildings. The Group Photographic Intelligence officer emphasized that it was "good bombing" that was responsible for the 456th record of "more than one-fifth of the damage" listed in the report.¹⁰

Targets for B-24 bombing raids changed during the course of the war. Initially, the raids were rarely tactical, that is, being made on troop concentrations. Instead they were strategic, on railroad marshalling yards, railroad bridges, munition and armament factories, airdromes, oil refineries and similar targets to disrupt the ability of the Germans to continue the war. By April, 1945, the European air war was winding down, and generally the strategic targets were considered destroyed, so tactical objectives replaced the usual bombing raids. In April there were seven "accredited combat sorties" against German gun positions and other obstacles to the British Eighth Army's advance in northern Italy, and only two noncombat flights. A single noncombat flight in May was followed by a single noncombat flight in June, and the log closed with a total of 601 hours and 30 minutes of nonpilot flight time, in addition to 98 hours and 20 minutes of student nonpilot flight time.

Altogether from the Foggia air base in Italy, Richard Rogers flew in 33 combat missions and in 42 other flights. His combat missions can be further analyzed, since they are listed chronologically. Also, he was appointed squadron camouflage officer on February 18 and squadron bombardier on February 26. In April, 1945, after flying in

thirty-two combat missions, he was promoted to captain.

The squadron bombardier was often in the lead plane on bombing runs. Earlier he had briefed the other bombardiers from a group of six to eight planes, called a box, about the primary and alternate targets, the kind of bombs, the expected temperature and wind direction, so they could set their bomb sights correctly. The regular formation of the box enabled planes safely to fly closer together to produce maximum fire power against enemy fighter planes. Also, they could more easily concentrate their bombs on a target in a box formation. When bombers flew over a target, gunners threw out metallic chaff to throw off enemy radar guidance systems. Following each flight a squadron bombardier would be involved in debriefing sessions.

In a time for counting up results, other awards were coming rapidly to Captain Richard D. Rogers: the European and Mediterranean Theater ribbon, with four bronze stars for the German campaign on April 14, the Balkan campaign on April 19, the North Appennines campaign on May 9, the Po Valley campaign on May 9, the air medal and 1st oak leaf cluster on May 13, and the second oak leaf cluster on May 21.¹¹ Finally, on June 18, 1945, the fourth highest award for Air Force personnel, the Distinguished Flying Cross, was awarded to Captain Richard D. Rogers. This award follows the Medal of Honor, the Distinguished Service Cross, and the Silver Star in precedence.

Richard D. Rogers' Distinguished Flying Cross was awarded for two of his actions in the attack on an oil refinery at Odertal, Czechoslovakia, on December 17, 1944. Fifteen bombers made this flight and bombs were dropped without being able to see the



Lt. Rogers (left) with the officers in his crew

target. Most bomber runs in World War II were above 20,000 feet, far too high for normal breathing, but safer to avoid flak delivered by anti-aircraft guns. On the way to any target the bombardier, after pulling the safety pins on the bombs, has a responsibility to determine whether each crew member is getting oxygen. During his "oxygen check" the nose gunner failed to respond, so Lt. Rogers put on his mask and crawled to the gunner, whose mask for some reason wasn't working. Rogers replaced the mask, gave the man oxygen and dragged him into the plane's cabin. His second action came later, when the plane had descended well below the safer 20,000 feet level. In spite of all the flak, some hitting the plane, Rogers dropped his assigned bombs on target.

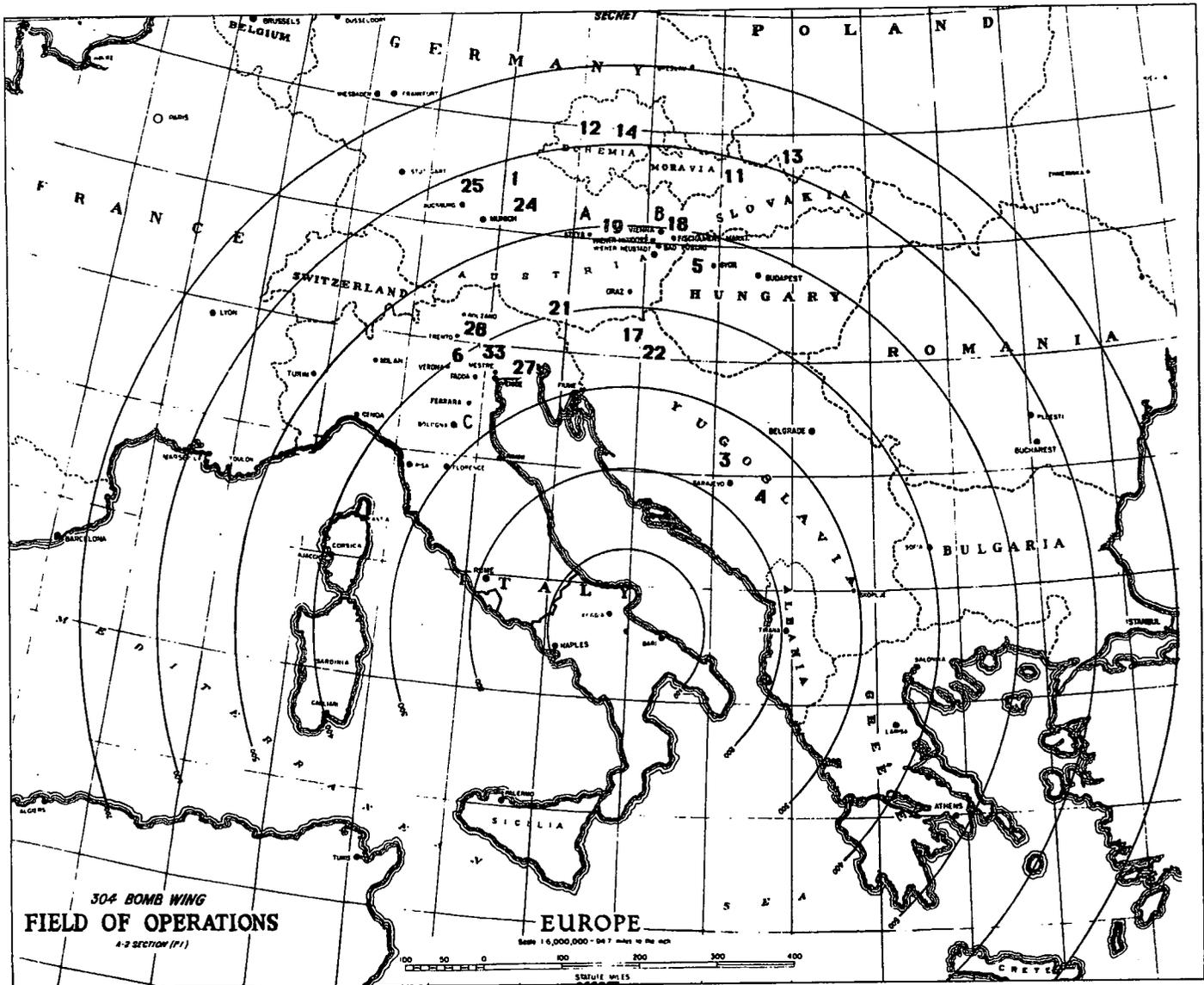
Many years later, Rogers avows that the 456th was just passing out medals, but he says "at Odertal we got hit and lost our oxygen system and had to come down to 10,000 feet. Col. Ben Davis' Red Tail fighters picked us up and escorted us across Austria into Yugoslavian air space." When Davis' book, *Ben Davis, American* was published, Rogers

bought a copy and wrote Davis, by then a retired general, "that I owe my life to [you], . . . [You] picked us up and brought us back, came across a town where there's not supposed to be any flak and there were guns there and the pilot got a hole under his rudder pedal."

The mission following Odertal came on December 26 to bomb an oil refinery at Osweicin, where heavy flak was again a problem. The Odertal and Osweicin flights were the longest on Rogers' flight log, over eight hours. Osweicin is better known after World War II as the town next to the notorious Auschwitz concentration camp.

Personal awards for the 456th Bomb Group (H) give an indication of the rarity and infrequency of the highest ranking awards. There was no Medal of Honor and only one Distinguished Service Cross, but nineteen Silver Stars, 215 Distinguished Flying Crosses, and two thousand Air Medals. In addition, there were two Distinguished Unit Citations. The 456th Bomb Group also received seven battle ribbons for flying 249 combat missions against targets in Germany, Poland, Czechoslovakia, Yugoslavia, Hungary, Romania, Austria and Italy.¹²

Major General N. F. Twining, the commanding general of the Fifteenth Air Force, wrote a brief summary of the Fifteenth Air Force's operations and results during its eighteen months of existence before the end of the European war. Their contribution to defeat of the "Nazi enemy" included destruction of all gasoline production within range; destruction of more than six thousand enemy aircraft; crippling of the enemy's transportation system at the immense cost of many "brave men" and 3,379 aircraft. He reported that when the Fifteenth was



Field of Operations of the 304th Bomb Wing, the circles show range from the airfield in 100 mile increments. The 33 raids, in which Bombardier Richard Rogers was involved, are shown numerically, with A for Linz (raids 2, 8, 9, and 23), B for Vienna (raids 7, 10, 15, 16, 20, and 26) and C for Bologna (29 through 32).

organized its “effective strength was 654 airplanes. On April 15, 1945, 1916 aircraft were assigned to the [Fifteenth] and 98 per cent of them took to the air to attack targets at the Italian front.”¹³ V-E day was only three weeks away.

When the European war ended, Rogers and other officers and men had a brief leave of five days in Rome early in May, 1945, and at other times in Venice and other northern

Italian cities. The Air Corps was more creative than the Army in renting first rate hotels in Rome and elsewhere for rest camps. No scotch or bourbon was available in the cocktail lounges, so the airmen drank rum. American service women and Italian women were available for dances held in first floor ballrooms, but women could not be taken above the first floor because one had been thrown out of a window earlier. In

Milan, Rogers saw a classmate from K-State days, Hoyt Brown, driving a jeep down the street.

Another five-day leave to Cairo, Egypt, in June was extended to eighteen days when the plane lost a wing tank that required replacing. There, Rogers and others from the 456th were billeted in the Shepherd's Hotel for the entire time and sat on the hotel's terrace to view the British and Arab troops parade for British Empire Day. Side trips took them to all of the tourist attractions, including the pyramids and the Egyptian museum. One full day was spent in Alexandria. Americans also had access to a fine British club, known as the Gezera Sporting Club. In Cairo he saw Charles Joseph Correll, the son of a K-State professor, who was assigned to nearby Payne Field. This leave also permitted a visit to Palestine, but that part of the trip was not made.

Because of his position as squadron bombardier, Richard Rogers was retained in the Fifteenth for a short time while other personnel headed back to the U.S. to prepare for an all-out assault on Japan, where the war was still going on. A final roster of the 744th Bomb Squadron, dated July 5, 1945, totalled 17 officers and 263 men. By late July they were landing in New York City.¹⁵ A short time later on July 29, 1945, Rogers headed for home from Naples, Italy, on the cruise ship *Argentina*. An overnight stop was made at the Isle of Capri, while the rest of the trip to Camp Kilmer, New Jersey, took ten days. He had served ten months and sixteen days in foreign service in the Mediterranean Theater. With time for a brief leave at home in Manhattan, momentarily he expected assignment as a bombardier on a B-29 for training to end the war against Japan.



Capt. Dick Rogers receiving the Distinguished Flying Cross on June 18, 1945. See Appendix B for the citation accompanying this award.

Following the atomic bomb attacks on Hiroshima and Nagasaki, the war in the Pacific ended quickly. Personal losses in the 456th were compounded by knowledge that three members of Rogers' high school graduating class had not survived the war. They were his good friend George Robert Jones, a bombardier with the Eighth Air Force out of England, who was killed on his twenty-fifth mission; Tom Craig, a fighter pilot killed in the Italian campaign; and Charles W. Line, a sergeant with an armored regiment who was killed in Belgium.

Rogers was ordered to travel by rail to Sherman Field, Ft. Leavenworth on September 4 to complete his discharge papers. He had three choices: 1) stay in the Army Air Corps, 2) be completely discharged, or 3) transfer to inactive status in the Army Air Corps Reserves. After discussing his future with his mother who suggested that for job security he should stay in the Air Corps, he opted for the Reserves to retain some ties to the excitement he had experienced in ser-

vice in World War II. He had served a total of three years, three months and twenty-one days on active duty. Also, he decided to go to law school, something in the back of his mind since his working days in the Wamego Drug Store, where several lawyers with interesting lives regularly came for drinks and a chat.

As a recently discharged Captain in the

Air Corps, Rogers visited the Washburn University law school in Topeka. He found no one around to answer his questions, so he went on to Lawrence to the University of Kansas law school where he talked to the dean. Partly because of the accessibility of the dean, he decided to go to law school at KU. Many years later, he said, "I think I made the right decision."

Chapter IV

Beginning a Law Career

In the fall of 1945 it was relatively easy to get started in the School of Law at the University of Kansas without prior arrangements. The war had sharply curtailed university enrollment and much space was available – there was a need for students. Dick Rogers made his first visit to the law school early in September, several weeks after V-J Day (August 15) and even after General Douglas MacArthur coordinated the signing of surrender terms (September 2) on the deck of the battleship, *USS Missouri*, in Tokyo Bay.

Captain Richard D. Rogers was released from service on September 7, 1945, and he was on “terminal leave” for the next forty-two days, during which he would be paid in full as a captain in the Air Force. Because he was on flights in June, July and September, he also received a captain’s flight pay, an added incentive initiated in World War II for air crews. With this money and the one hundred dollars a month he had saved in the Kaw Valley Bank in Wamego since August, 1944, Dick Rogers had more money than he had ever had in his life. In addition, his attendance at the University of Kansas law school would be supported by the benefits of the Servicemen’s Readjustment Act of 1944.

The Servicemen’s Readjustment Act, signed on June 22, 1944 by President Franklin D. Roosevelt, was popularly known as the “G.I. Bill of Rights.” It provided broad categories of support for the more than fifteen million men and women who served in World War II—unemployment relief, health benefits, home and farm mortgages, business loans, job counseling, mustering-out pay—and as a kind of afterthought, support for additional education. Congress was motivated to provide these benefits because of “apprehension about veterans and the economy in the postwar period,” based on the realization that “war spending had ended

the depression that had lasted throughout the 1930s and that during the war the nation had enjoyed the rarity of full employment.” At its root, Congressional action was more a fear of a postwar depression than “an expression of gratitude to veterans.”¹

The first press comments on the “G.I. Bill” paid most attention to unemployment relief, the “52-20 Club,” where a veteran could loaf for a year and receive twenty dollars a week to do nothing. Health benefits generally applied to Veterans’ Administration hospitals. Mortgage support, business loans and job counseling were used by a smaller, but still sizable, number of return-

ing veterans. Educational benefits could apply to high school, technical school, college or university. Initially, presidents of several elite universities labeled the G. I. Bill as “unworkable” because it would convert their institutions into “educational hobo jungles.” There was seemingly little interest among service personnel on active duty. By November, 1945, only 88,000 new students were enrolled in colleges or universities under this legislation and Richard D. Rogers was one of them. However, very quickly the G.I.’s were “distinguishing themselves by their numbers, their maturity, and their achievement.”²

The educational benefits of the G.I. Bill were surprisingly liberal. Based on legislation used in Wisconsin after World War I, it provided one month of schooling for every month on active duty. A student would get normal tuition, books, and a monthly stipend, with an initial limit set at about five hundred dollars per year. This monthly support began with \$50 for a single person and \$75 for one with dependents, but it did not go to Rogers until his terminal leave expired in mid-October. On December 19, 1945, the U.S. Senate approved an amendment which raised the monthly subsistence allowance to \$65 for a single vet and \$90 for one with dependents, and it became law a short time later. By then the trickle of veterans in colleges and universities “became a flood as the millions of discharges during the fall and winter of 1945-1946 . . . swelled the flow of college bound veterans.”³ Unlike earlier veteran’s benefits which required a “test of need or disability,” the educational features of the G. I. Bill appealed directly to mentally and physically fit younger veterans.⁴

The Veterans’ Administration prediction in December 1944 that no more than

700,000 vets would go to college under the G. I. Bill was eclipsed early in 1946 and by the fall of that year more than two million, two hundred thousand vets were enrolled in college. More than half of them were married and half of the married students had one or more children while attending college. That was a far cry from 1940 when only half of the students of high school age finished high school and only one in seven enrolled in any college. Marriage in many colleges had been grounds for dismissal. The G. I. Bill changed all that—many G.I.’s were the first in their family to attend college—and the vast influx of married students ended the stigma of married students earning a college degree.⁵

Generally it took student veterans about a month to get into the groove of civilian life. In Dick Rogers’ case it was aided by his choice of residence at the University of Kansas, the Beta Theta Pi fraternity, located in a rented house at 1608 Louisiana, just east of the university chancellor’s residence. He lived there in 1945 and part of 1946. The house owned by the Betas at 1425 Tennessee quartered naval units during the war and was not returned until 1947. This historic house was built by John Palmer Usher, general counsel for the Union Pacific, Eastern Division railway, the first longline railroad in Kansas. Briefly, Usher had been Abraham Lincoln’s Secretary of the Interior, and later he was mayor of Lawrence. Rogers ate his meals there in 1947 and lived there during that summer’s terms.

As a Beta at K-State, Dick Rogers felt like an outsider because he was a “town boy” with little money. Attending KU was different. He was twenty-four years of age, one of the older students. His enrollment under the G. I. Bill paid for tuition and books. In addi-

tion he received a monthly stipend from the G. I. Bill. Also, he had his own transportation, a new two-door Ford purchased from the C. J. Wentz Ford agency in Wamego. New cars were in short supply and he had gotten his order in early. As a veteran he was favored, but still he had to wait for several months to get the car, the first he ever owned.

The Law School at the University of Kansas had a heritage extending back into the nineteenth century. A law career did not require college preparation then. Many lawyers, including Abraham Lincoln, got their start by "reading law" in the office of an established lawyer. At the University of Kansas Professor "Uncle Jimmy" James W. Green was *the* law school from 1878 to 1919. As dean, Green resisted higher entrance standards and did not support a required college education or even a high school diploma as a prerequisite for admittance into the law curriculum. Slow changes produced graduation from high school as a prerequisite in 1904, which was upped to one year of college work for admission in 1912. After Green's retirement in 1919, the "stodginess and low standards" he had upheld was replaced, and a Bachelor of Laws (LLB) could be received only after completion of six years of college, where one year of law school credit could apply to a Bachelor of Arts degree. Moreover, the case method of teaching, developed in outstanding law schools, replaced earlier lecture procedures. Nevertheless, Jimmy Green was still prominent—the law building was named for him—and in front a memorial statue, sculpted by the well-known artist Daniel Chester French, symbolized Green's interest in law students.⁶

Dick Rogers liked his law courses and his professors at K.U. His favorite courses were

tort law taught by Dean Fred Moreau and constitutional law under James Barclay Smith. He could see a direct relation between the courses he was taking and a future career. One critique from Dean Moreau, accompanying a grade of A- was "Different people get good results with different methods. Your method is good. Go ahead revamping constantly."

While attending law school Rogers lived in a congenial environment at the Beta house, he did not have to work for his tuition, books, lodging or food, nor was he out for athletics since graduation from college ended athletic eligibility in the 1940s. Not having received a varsity letter he did engage in intramural football—his Beta team lost the fraternity championship to the Phi Deltas, coached by Ray Evans, well-known KU half-back. For the first time since elementary school could he devote his full energy to his schoolwork, and his grades responded to maturity and concentrated effort.

Important friendships were made at the KU law school, where all of the classes met in Green Hall, located on Jayhawk Drive, which students passed going to the Student Union. Most of the law students were returning veterans and there were only two women enrolled, a far cry from law schools after 1971. Close friends of Dick Rogers were Glee Smith and Dick Bond. Bond was from El Dorado, and Smith established his law practice in Larned where later he was elected to the Kansas legislature and became president of the Senate. Other friends included Page Benson, later a state district judge, Bob Stadler, who also became a state district judge, Vernon Coss, a wounded war veteran, Charles Arthur, a navy pilot who set up practice in Manhattan and subsequently served in the legislature, and

Robert Foulston, who became a member of a large law firm in Wichita. Between classes many of the students in law school followed the old tradition of sitting on Green Hall's front steps to gawk at students walking by.

Younger students at the Beta house included Payne Ratner, Jr., Robert Docking, John and Russell Stites. His roommates while he lived there were Robert Ready and J. B. Surface.

Beth Stewart had gone home to Wamego when Dick went off to war. She lacked a few hours from graduating in Music Education at Kansas State. A bachelor's degree was not required for a beginning teacher until 1959, so she began teaching music under a provisional certificate in the Wamego elementary school and later the high school. Their courtship had continued through Dick's years in the service through weekly correspondence and infrequent visits. Dick and Beth were married in a modest wedding at her home in Wamego on Sunday afternoon, June 2, 1946. Neither Beth nor Dick had much money to spend on a wedding. Beth wore a "street length dress of chartreuse," and each of them had one attendant.⁷

Dick and Beth's honeymoon trip was to Lawrence. Dick was taking finals so they settled down in a rented apartment for the summer months while Dick attended summer school. At the end of the summer, Beth returned home to teach again, and Dick went back to the Beta house. By attending two summer schools (which lasted longer and offered more courses than in later years) and four semesters in the K.U. law school, Dick was able to graduate in 1947. His diligence paid off; he was on the honor roll. He was also a member of Phi Delta Phi legal fraternity, sponsored by the feared professor, James Barclay Smith.

One of Dick Rogers' classmates had asked him to go into practice in Baxter Springs, but he preferred to return to Manhattan. Alvin R. [Rudolph] Springer, who had practiced law in Manhattan since 1900, was seeking a partner. He had asked the son-in-law of the Presbyterian minister to join him in practice, but instead he went to work for Southwestern Bell Telephone Company. His second choice was Richard D. Rogers, who was admitted to the Kansas Bar shortly after graduating with a Bachelor of Laws degree from the University of Kansas in August, 1947.⁸ Dick was happy about the opportunity to become the junior partner in the firm of Springer and Rogers. It did not hurt that Evelyn Rogers knew Alvin Springer well as a neighbor, or that Beth Rogers was well-acquainted with Enza C. Wagaman, Springer's best and most affluent client.

Alvin R. Springer was born July 5, 1880, in the Carnahan Creek community in western Pottawatomie county. He was the son of Jacob Springer, a large farmer-rancher, and he had many brothers and sisters. Jacob Springer had migrated from Pittsburgh, Pennsylvania, where he had lived near the H. J. Heinz family (later known for their "57 varieties"), who visited the Springers at least once on their Pottawatomie County farm. Alvin attended Lecompton University from 1895 to 1898 and took law classes at the University of Kansas where he graduated in 1900 with an LLB. He began his practice in Manhattan that year at the age of twenty years.

More than fifty years later Alvin Springer reported that when he arrived in Manhattan he rented a room from Mrs. Huldah Wisner in the 500 block of Houston for \$3.00 per month "heated by the solar sys-

tem." He ate three excellent meals each day costing \$2.50 per week in the stone boarding house of Judge A. S. Porter located across the street. His law office was then on the second floor of the Ames building, later known as the Ward Keller store, in the 300 block of Poyntz, for which he paid \$6.00 per month. Because he had a wide acquaintance among farmers in the Blue River Valley, Springer had a practice that was "adequate from the beginning."⁹

On December 18, 1905, Alvin R. Springer was married to Lucinda [Lula] L. O'Daniel in the O'Daniel home at 1000 Leavenworth in Manhattan. Both had been born in Pottawatomie county. They set up housekeeping at 326 Vattier, but in 1907 they began construction of their longtime home at 1016 Leavenworth, which was completed the following spring. They had a son, Donald A., and a daughter, Mary Ellen.

Early in their marriage, Alvin and Lula Springer began taking long vacation trips and they visited forty-six states, all but Utah and Nevada. In the 1920s they bought a nice four-room cabin on Bay Lake, located near Deer Wood, Minnesota. Bay Lake was a favored spot for other Manhattanites, including the families of Harry Wareham, Fred Boone, Enza C. Wagaman, Ward Haylett, E. L. Holton, and later Richard Seaton, Sr. For a third of a century the Springers spent every summer there, sometimes taking a niece or a nephew with them. Later they bought a house in St. Petersburg, Florida and spent winters there. In his travels, Alvin Springer was most impressed by the farmlands of Iowa, but he opted to keep Manhattan, Kansas as his home base.

Alvin Springer's interest in travel also had a local setting. He loved the scenic drives around Manhattan. With a new car in 1926

he began compiling a log and mapping a series of drives through the surrounding countryside. He then published a booklet, *Motoring Around Manhattan*, as an accurate and up-to-date guide for Sunday adventurers. In 1939 the Springers were visiting Mary Ellen Singleton, their newly-married daughter in Paris, when World War II broke out and they had to come home prematurely.

When Richard D. Rogers became a junior partner in Springer & Rogers, the law office was in the Manhattan Mutual Life Insurance building in the northeast corner of Third and Poyntz, a half block south of Manhattan's City Hall and two blocks from the Riley County courthouse. Alvin Springer's law office consisted of four adjoining rooms, a small waiting room, a small office for Springer, a larger office with lawbooks filling bookcases where Alvin had another desk and several wooden file cabinets. The secretary sat across from him, behind two desks pushed together. On one of the desks sat her typewriter. Springer dictated directly to her as she typed. Dick had a small office with one filing cabinet. Earlier, Springer had been in partnership with Walter Reed Gage, but that firm had dissolved long before Rogers came on the scene. The bulk of the work in Springer's law office involved real estate and probating wills. There were a few lawsuits involving negligence cases. Springer was the firm attorney for Manhattan Mutual Life Insurance Company and for the Home Savings and Loan Association, and the partnership examined land abstracts for them.

After commuting from Wamego for a short time, Beth and Dick found an apartment at 500 Houston. Springer was a fine office lawyer with an outstanding vocabulary. Dick soon found out that there was

much to learn about the law that could be acquired from older lawyers and longtime legal secretaries. Similarly, Springer had observed and watched closely Manhattan's major post-Civil War lawyers, John E. Hessin, George Green and Sam Kimble. Springer's formal education was limited, but his widespread knowledge came from extensive travels and fifty years of reading and absorbing the *National Geographic*. He was a keen student of history and knew the writings of Shakespeare. Springer was one of five founders of the Manhattan Mutual Life Insurance Company and on its board of directors. He also served on the board of the Home Savings & Loan Association. Springer was a charter member of the Manhattan Country Club. He had been on the city's school board and served as its president. For a number of years he was the city attorney. Springer was a strong Presbyterian, a charter member of the Manhattan Kiwanis Club and an avid Republican. Any person with these three memberships was high in the esteem of Alvin Springer.

Richard Rogers' first case was "a slip and fall case" against Bernard Ulrich, owner of the drugstore building at Fourth and Poyntz, who had put in a sidewalk which became slick when wet. Springer had the case but had not gotten it completed. So Rogers set it for trial and filed a brief. Attorney Hal Harlan defended Ulrich and settled the case out of court.

Rogers' earliest federal case against an insurance company which claimed that a Manhattan merchant who had died with their insurance had a preexisting heart condition, came much later. The federal court, under Judge Frank Theis, held for his client. Another early federal case found Rogers representing the Home Savings and

Loan Association against Ort Weber, a well-known opponent of the Army Corps of Engineers and its development of Tuttle Creek Dam. Weber had been paid for land condemned for the reservoir project but would not cash in his award and pay his mortgage owned by Home Savings and Loan. The court, under Judge Delmas Hill, issued an order paying off the mortgage from the condemnation proceeds.

Judge Richard D. Rogers regards Alvin R. Springer as one of his two Manhattan mentors and Springer's portrait hangs behind his desk in the federal courthouse in Topeka. Next to Springer's portrait is a portrait of the other Rogers' Manhattan mentor, Hal Harlan. He readily acknowledges that many of his sayings in later years come from his two Manhattan mentors, Springer and Harlan.

Hal Harlan was born December 3, 1886 in Harlan, Smith County, Kansas. In the 1870s his father, uncle and aunt joined with another uncle, Daniel Kelley, in the Harlan family orchestra where one of their most popular songs in area dances was "My Western Home," later known as "Home on the Range."¹⁰ Hal Harlan graduated from the University of Kansas law school in 1912 and moved immediately to Manhattan where he practiced law by himself for five years. In 1917 he joined Ambrose Johnston in the firm of Harlan and Johnston.

Like Springer, Harlan was a Presbyterian and a Republican, but unlike Springer he was far more frequently a candidate for public office and held offices such as county attorney at two different times, state representative from 1929-33, where he was Speaker of the House his last term; and state senator, 1933-34 and 1945-49. In 1934 he was narrowly defeated in a race against William Randolph Carpenter for a position in the House of

Representatives in Congress, the only political race he ever lost. Harlan was also the appointed Manhattan city attorney from 1942 until 1957, where his calm demeanor and legal knowledge were considered a valuable asset. He was the Manhattan school board attorney for many years. Harlan served as president of the Manhattan Chamber of Commerce and as president of the Kansas Chamber of Commerce and was a member of various fraternal and civic clubs in Manhattan. Harlan's home was at 115 North Fourteenth, almost directly across Manhattan's City Park from the Springer home. Not until 1950 did Harlan marry; his wife was the former Irene Knittle.

Whereas Alvin Springer was an outstanding office lawyer, Hal Harlan was a fine courtroom lawyer. He had a reputation as a lawyer's lawyer, often hired by other lawyers to help them with their cases. He was the first general counsel for the Kansas Farm Bureau during the period when Farm Bureau developed insurance programs that greatly widened its association with Kansas farmers. Harlan provided the legal expertise to confront "the ongoing controversy surrounding the Farm Bureau and Extension split during the late 1940s and early 1950s. His counsel helped the board to take a proactive stance in response to the dilemma."¹¹

Because of Springer's long absences on summer and winter vacations, the work of the firm increasingly fell to Dick Rogers. Beth completed some correspondence courses and got her degree from K-State in 1947. She continued with her music in an informal way, through involvement with Manhattan's Music Club and in musical productions for a number of organizations. Eventually she became the organist for the First Presbyterian Church—a position she held for twenty-six years.



Law partners Alvin Springer and Dick Rogers

Anticipating the needs for the fall semester of 1947 at K-State, an additional instructor was required to teach business law in addition to the sections taught by Professor Dwight "Sleepy" Williams. Dick applied and he was accepted. His income was meager and money from teaching helped out. Moreover, he thoroughly enjoyed teaching and contact with students. He expanded this course to include sections on deeds, mortgages, abstracts of title, and landlord/tenant

relationships. Dick's classes (four of three hours each) were concentrated in the morning—classes began as early as 7:00 a.m., and he was in the law office after lunch. Since he and Beth had only one car, frequently he rode the city bus to the campus. Compared with all of his other activities, Dick taught on an "overload" basis until 1951. Minutes of the Kansas Board of Regents, dated February 10, 1951, indicate that Dick's position as temporary instructor had been four-fifths' time and was reduced to three-fifths' time. In this last semester of teaching, his salary was \$255 per month. By the summer of 1951 the increase in business for Springer & Rogers and Rogers' participation in nonpartisan and partisan politics stopped his teaching. But he, with J. Robert Wilson, close friend and an attorney/abstractor in Manhattan, went to the campus to audit classes.

In the late 1940s, Dick and Beth had moved into the other side of the duplex owned by his parents at 1021 Leavenworth, a block that was just beyond the area reached by the great Kansas river flood of 1951. However, the ground floor of the apartment house at 500 Houston, where they first lived, was covered with water. Letitia (Tish) Ann Rogers was born March 22, 1950, while they were living in the duplex.

W. C. and Evelyn Rogers were living together after his three years in Wichita airplane factories during the war. He was listed in successive Manhattan City Directories as a traveling salesman, then with United Income Fund, and finally with Waddell & Reed. Evelyn continued to work in the ladies department of Cole's Department Store. At least three times in the 1950s she was mentioned by a Manhattan newspaper. The first, in commenting on an earthquake



Beth Rogers with Tish and Cippi try on Easter Bonnets, about 1960

at 10:30 a.m. on April 9, 1952, said that "Mrs. Lee H. Williams and Mrs. Evelyn Rogers were sitting in the alteration room at Cole's when they felt a jar; Mrs. Rogers said, 'What was that?' Mrs. Williams said, 'It must have been an earthquake.'" On August 17, 1956, she entertained members of the Soroptimists, assisted by her daughter-in-law, Beth Rogers. Cippi and Tish were also there.¹² An October 24, 1956 story described a talk given by Evelyn Rogers on table settings, using table silver and china, to an ESA group in the Sun room of the Gillett Hotel.¹³

W. C. Rogers was doing much better financially than he had ever done before. He was a natural, low-keyed salesman in his sales of annuities and securities, and he got along well with his clients. By the time he reached seventy years of age in the early 1960s, he was ready to retire. So Evelyn retired also; they tried to sell the duplex to no avail. Dick bought it and later sold it to an officer of Home Building and Loan who had a four-apartment complex built in front of the duplex with its back to Leavenworth. Parking space between the two structures took up most of the remainder of a formerly very large grassed area. W. C. and Evelyn retired to Florida to live near their son, Bob Rogers.

After the waters from the 1951 flood went down, Rogers was offered the house at 800 Humboldt, just south of the First Presbyterian Church. The owner sold it and moved out, not wanting anything to do with the flooded house. Rogers had to clean up the mess and get the floors replaced before he, Beth and Tish could move in. Later in the 1950s they moved to a much larger house at 1730 Fairview. Cappi Christian Rogers was born September 6, 1954, while they lived there. In the early 1960s they moved again to 301 North Fifteenth. Still later they built a new home near the Manhattan Country Club at 919 Fairway Drive.

In 1962 Dick received a telephone call from Washington, D. C. that changed the composition of the Rogers' family. It was from Congressman William Avery's administrative assistant who was calling about one of Representative Robert Dole's secretaries, a Kansas girl, who was about to have a baby without a father. Rogers was asked to find a childless couple to adopt the baby. Several prospects were called, but all declined. So a



Richard Kurt Rogers, about 1964

Rogers' family conference decided to take and adopt the baby, who turned out to be a boy. Beth flew to Washington, D.C. and brought Richard Kurt Rogers back when five days old. He was born July 26, 1962. Dick Rogers had drawn up the adoption consent papers, which were signed in Washington. Adoption procedures were completed in Riley County, Kansas, and a son was added to the Rogers' family—the two daughters were eight and twelve years older.

Beth watched over the enlarged family, and a succession of college girls, who became as close as family members, lived with them to help out. This was much the same pattern used by Dick's mother in supporting education, by having a high school girl live with them in Wamego, or a niece in Clifton.

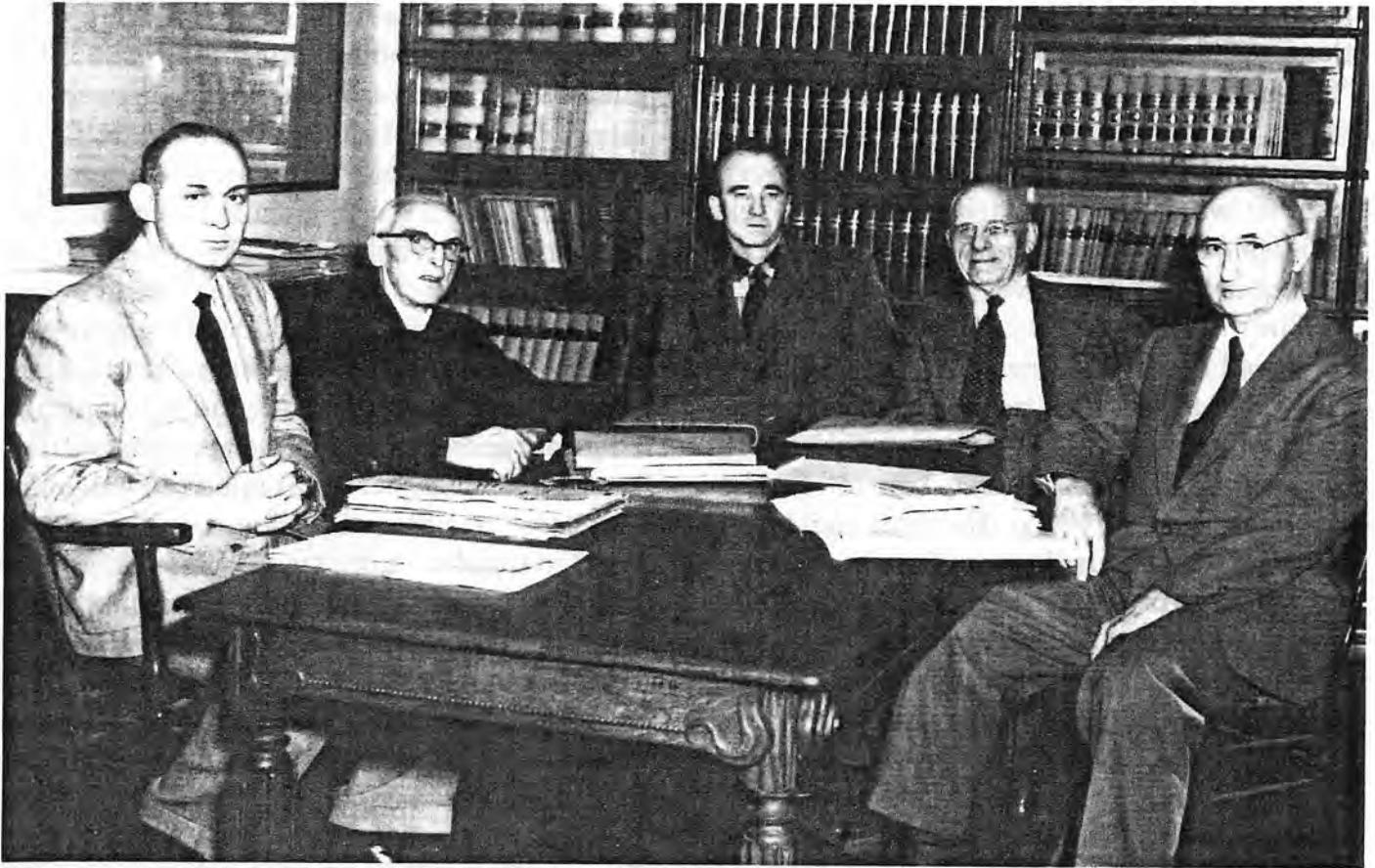
During his children's growing-up years, Dick purchased a horse barn and eleven acres in Hunter's Island, located across Wildcat Creek, south of Manhattan. He kept four horses there and Tish and Cappi, and later Kurt, rode with him on weekends. Tish generally rode Cricket, a brown and white horse of average size. Cappi rode Angel, Cricket's colt, a small black horse. Senator Jim, a large black horse and another colt of Cricket's, was Dick's favorite, which he usually rode. Bing was a large buckskin and was usually ridden by Kurt. For a while, Dick also had a Shetland pony, Billy, clever about getting rid of a young rider and getting out of any fence. Eventually the Shetland was given to John Stites for his boys. Stites kept Billy very near town, and once again he got out of his corral, was found on a neighbor's porch, and caused John to get a police citation for a horse at large. On occasion nursery school classes were invited to ride horses. At least once Dick took the horses to the City Park, across the street from the nursery school, so nursery students would have closer access to horseback riding.

Through the early 1950s Alvin Springer was gone a considerable part of each year, and more and more of the law business was taken care of by Dick Rogers. He gradually took over the law practice and inherited Springer's clients. Even when Springer was around, Rogers handled most of the trial work and the divorce cases. Other doors were opening for Attorney Rogers—as counsel to established businesses or governmental units and participation in nonpartisan and partisan politics. Discussion of most of these activities will take place in the next chapter.

The Kansas State Endowment Association had been started in March, 1944, shortly after Milton Eisenhower became president

of K-State. Within a few years it obtained private funds for student scholarships, for fellowships, student loans, research projects, construction of the All Faith Memorial Chapel, residence halls, . . . Rock Springs Camp and conference center, purchase of land for campus expansion, and for other important College needs.¹⁴ Arthur Peine, local businessman and former member of the faculty, was a part-time administrator of the Endowment Association. In 1956, Ken Heywood was appointed a full-time director of the Endowment Association. Someone was needed on the job at all times, because slightly more than a year before K-State had received its richest windfall to that time.

It all began innocently—in 1954 President James A. McCain received a postcard from Dr. Laurel Irene Putnam, who lived on a farm in northern Cowley County. She wanted to know “whether K-State's president was willing to talk seriously with somebody who was interested in doing something for the College.” Several days later President McCain was interrupted at dinner by a telephone call from Dr. Putnam that she would be at his office tomorrow at 8:00 a.m. Dr. Putnam appeared in old clothing, with a disheveled appearance, and one of her shoes had a hole in the sole. She announced that she had two loves in her life—“her husband who had recently passed away, and the other, her church had not fulfilled her wishes (or its promises) of sending her out as a medical missionary.” She told President McCain that she had more than “\$100,000 in cash savings, thirty farms with 5,000 acres of wheat, pasture, and oil-bearing land—do you believe that?” She also told McCain that an official in a nearby university did not believe her—his university would not share in her bounty.¹⁵



Dick Rogers (left) and Hal Harlan (right) settling the Irene Putnam endowment with the Order of the Holy Cross

Dr. Irene Putnam received a medical degree from Rush Medical College, which was later a part of the University of Chicago. She had practiced medicine on an Indian reservation for a few years, then after the death of her husband in 1941, she moved to her brother's farm north of Winfield. She did have great wealth in spite of her appearance. She and her husband had accumulated their fortune through wise investments. She gave The Order of the Holy Cross some of her money and much of her land, if they would send her to Africa as a medical missionary, but full legal rights had not been transferred with the gift. The outbreak and spread of World War II prevented Dr. Put-

nam from going to Liberia, in West Africa. Long after the death of her husband, she decided that her fortune should go to a Kansas college.

President McCain contacted Richard D. Rogers and J. Robert Wilson to provide help for Dr. L. Irene Putnam in any way that she wanted. Later, when Ken Heywood became director of the Endowment Association, he would often accompany Rogers on his trips with Dr. Putnam. As time went by, Dr. Putnam relied more and more on Rogers. There was no mention of payment for his services, and he received none directly, at this time. In fact, Rogers made many trips with Dr. Putnam to help with problems on her hold-

ings at Salina or El Dorado, or other locations, and he paid expenses for both of them. "She had low pockets and very short arms except for donations to universities." Some expenses were paid for Springer and Rogers in 1954 when they went back to New York for a friendly discussion with the Holy Cross fathers at their monastery at West Park.

The Endowment Association had employed the firm of Springer and Rogers to seek Dr. Putnam's wishes of giving her property to K-State, while the Order of the Holy Cross hired the Manhattan firm of Harlan and Johnston to resolve the legal entanglements involving Dr. Putnam's past and present plans. An agreement was worked out late in 1954, which incorporated Dr. Putnam's wishes. Most of her land was turned over to the K-State Endowment Association, with the Order of the Holy Cross receiving a sizable payment for managing Mrs. Putnam's property for more than a decade. Her property did include extensive land holdings in the western Kansas counties of Ellis, Graham, Rooks, Rush, Trego, Gove, Ness, Lane, Phillips, Barton, Rice and Osborne.¹⁶ Putnam scholarships were established and a cooperative house, named for her brother, was purchased. Eventually, Dr. Putnam was encouraged to move to Manhattan into a duplex on North Manhattan Avenue that was purchased with her money. A graduate student and spouse lived next door and provided her with whatever assistance she needed. She became a well-respected member of the campus community. About 1958, Dr. Putnam showed up at Rogers' office, threw a large diamond ring on the desk and said, "You give this to Beth, and if you ever get a divorce you must give it back." Finally, some compensation had been paid by Dr. Putnam for his efforts over many years.

After a lingering illness, Alvin R. Springer died at home March 16, 1956.¹⁷ He had given Rogers the office furniture and library by a bill of sale before his death. Dick handled his estate, which was settled on April 22, 1957. With Springer's death, Hal Harlan asked Richard Rogers to come into his law firm as a partner. Rogers had earlier interviewed with Harlan for a post as a claims attorney with the Farm Bureau and had gotten the job. They had a longtime acquaintance and other close associations. Sometimes they were on opposite sides in a law case, but generally they were in agreement on public and private issues. Rogers was interested in the offer but suggested that the change be made at the end of the year. But soon after Springer's death Harlan was diagnosed with bone cancer and the idea of a partnership was dropped. Harlan died at age seventy-one on March 23, 1957.¹⁸ He had long been the chief counsel for Kansas Farm Bureau. John Stites had finished law school at the University of Kansas. By July, 1956, he was an associate of Dick Rogers in a new law firm.¹⁹

Dick Rogers had been a successful claims attorney for Kansas Farm Bureau. He succeeded Hal Harlan as the Farm Bureau's General Legal Counsel—a position he held for eighteen years. A former president of the Kansas Farm Bureau wrote that Rogers helped them understand the various legislative hurdles that would confront the insurance companies owned by Farm Bureau. "He also helped the farm organization to understand the need for addressing taxation and budget matters, not just agricultural issues."²⁰

When Richard Rogers established a partnership with John Stites in 1956, it was based in part on their acquaintance since

Beta Theta Pi days at the University of Kansas. Stites was then an undergraduate, with a major in business. He lettered in track each of his four years. When he graduated in 1950, he moved to a job selling furniture and floor coverings to retailers in New Mexico for four years. Then he returned to the law school at the University of Kansas and, with completion in 1956, he moved to Manhattan and partnership with Rogers. They formed a good combination—Dick had a knack for getting business, John was energetic at taking care of business. John also liked the work of a trial lawyer. Several years later Don Hill, son of Sociology Professor at K-State, Randall Hill, was added to the partnership. A top man in his law class at Washburn, Hill for two years had been an

assistant to Clarence Rupp, head of the legislative research department and chief lobbyist for Kansas Farm Bureau. Like Rogers he graduated from Kansas State. He added a new dimension, close university connections, and longtime residence in Manhattan. He became the most astute office lawyer in the partnership. The firm of Rogers, Stites and Hill moved to a location in the renovated Safeway Building, known as the Professional Building. Later they moved to rental space in the newly constructed Home Building and Loan Association building. Compared to Dick Rogers and John Stites, Hill had little inclination to seek public office, but he was active in many civic and charitable causes. His early death was a real loss to the firm and to the community.²¹

*Chapter V***NonPartisan and Partisan Politics**

According to Judge Richard D. Rogers, “Two ways exist to practice law. One is never to get into a controversy and never make anyone mad. This way you get probate business. The second way is to take part in controversial measures and try to be a leader in good causes. Without any planning, I adopted the second method.” This was the method of Hal Harlan, one of Rogers’ Manhattan mentors. On the other hand, his other Manhattan mentor, Alvin Springer, avoided controversy and practiced law with a large clientele who were involved in real estate and in settling estates in probate court.¹

Support of controversial issues could mean that a backer of a particular program would lose on occasion. Rogers acknowledges that he “lost on quite a few issues.” However, he agreed with Evan Griffith, banker in Manhattan and a leader of the Democratic party throughout the state, that in “looking back after many years, on some issues the other side looks more favorable.”

In this era Richard D. Rogers lost the only race for public office in his career. He was a candidate for Republican precinct committeeman and lost by a single vote. Beth and he had just moved from an apartment at 500 Humboldt and they could not vote in that election—their votes would have made a difference. On his next attempt he was elected precinct committeeman. Later, he attended the county Republican meeting which elected Henry Otto as county chairman. Next, with Charles Arthur, Dale Duncan, Ivan Wassberg, Bob Wilson, and Arthur Groesbeck, he attended the Republican district meeting in Holton. These “young Turks,” all war veterans, wanted to be a part of government, but Otto, who was also the Republican state treasurer, organized every-

thing for the district with Harry Crane, the Shawnee County chairman, without consulting those in attendance who were angered by the affrontery. They vowed to take over the county organization and they did the next year when they ran Dr. Ralph Ball against Henry Otto. A few years later Dick Rogers became county chairman, then district chairman, and in 1962, state chairman of the Kansas Republican party.

In the late 1940s there was strong support in Manhattan for a change in the form of city government from the elected mayor and two advisory members of a board to support or oppose his actions. Manhattan population was growing rapidly in the late 1940s, the area inside the city limits, some 2.8 square miles, was almost completely occu-

pied with lots covered by public buildings, houses or businesses. When Manhattan's streets, parks, and town lots had been defined in a survey made in 1857, it covered a grandiose two square miles. The city had grown by eight-tenths of a mile and more than ten thousand people in almost a hundred years. However, the early twentieth century City Hall on North Third Street, which also contained the city's only fire station, was bulging with city work and the old building was obsolete. The part-time mayor and a two-person board supervised the city's department administrators, making overall coordination of a larger, growing city government work force virtually impossible. A better alternative seemed to be a city manager government with some kind of citizen participation through elected members of a nonpartisan board of city commissioners.

None of the possible forms of city manager government, in current state law, fit well into the Manhattan situation. Attorneys Charles Arthur and Dick Rogers drew up a bill that provided for a city manager-city commission government. A nonpartisan, five-person, elected at large, city commission would elect one of their number as mayor. They would meet weekly or at other announced intervals. Two of the commissioners would be elected for four year terms—the others for two year terms, so there would be rotation in membership on the commission. The elected city commissioners could appoint a city manager to administer the city's day-to-day business. This governmental body was separate from the school board for Manhattan's schools, which served a slightly different geographical area and levied their own taxes. Arthur and Rogers took their bill to Topeka. Neither knew his way around the legislature. They

contacted a representative and senator, the bill was introduced and it passed. In 1951, Manhattan inaugurated the new form of city government with election of five commissioners on the first Tuesday in April and their installation on May 1.

Manhattan's first city commission under the new format was composed of Z. R. Hook, station agent for the Union Pacific, Ashley Monahan, pharmacist and owner of a drug store in Aggieville, Harold Howe, dean of the graduate school at K-State, Lillian Bascom, wife of Dr. K. F. Bascom, and Richard D. Rogers. Rogers was a member of the Manhattan Kiwanis Club and several members there suggested that he run for the city commission. When the commission decided on alternate Tuesday night sessions, that limited Rogers' participation in Kiwanis, which also met on Tuesday evenings. Lillian Bascom received the largest vote—Dick Rogers, who ran for a two-year seat, was second. They replaced the three-person commission made up of Verne Boyd, Sam Charlson and Charles E. Rust. The new commission took their oaths of office from Judge Lewis McLaughlin of Marysville. They elected Z. R. Hook as mayor and named the city engineer, D. C. Wesche, as acting city manager. Within a month, W. B. (Barton) Avery was named city manager.

Almost the first major problem facing the new city manager as the chief administrator for Manhattan was the great Flood of July, 1951, which drowned the downtown business section, including the City Hall, and forced evacuation of innumerable families from the flooded area, a region of some four hundred blocks. City Manager Avery helped coordinate city activity from a location in the temporary Student Union on the campus of K-State. Flood refugees, who had



Dick Rogers, Mayor of Manhattan, 1952-53

nowhere else to go, slept in the newly constructed Ahearn Field House on the K-State campus. It was a grim time for Manhattan—problems would have been exacerbated if the older form of city government had been in place, even though the elected persons in previous city governments were good people. Intentionally, the role of city commissioners in both the old and new city government was part-time. Now a city manager could implement decisions quickly to alleviate problems arising from the flood.

In 1952, Rogers was elected mayor by the city commission—Lillian Bascom had declined, Ashley Monahan nominated him for mayor and Mrs. Bascom seconded the motion. At age thirty, Rogers was the youngest mayor in Manhattan to that time.

During this term as Manhattan's mayor the city faced many new issues, some the product of the devastating flood of 1951. The mayor's role was to serve as the city's unofficial spokesman, conduct commission meetings, and to perform other prescribed duties generally of a ceremonial nature. In addition, Rogers kept in daily telephone contact with the city manager.

Some issues before the city commission, though controversial, were decided expeditiously. Manhattan's water was fluoridated with the expectation of protecting teeth, particularly of its younger citizens. Extensive new areas were annexed into the city. The Gross addition, later known as Northview, added an area one-fourth as large as the existing city. Houses there were inexpensive, built especially for people whose homes had been damaged in the flood of '51. It seemed as though the effects of the flood had broken the barriers to adding new areas into the city. Other new additions west of town were included within the Manhattan city limits.

Recovery from flood devastation of 1951 was a big issue for Manhattan and many other Midwestern communities. Soon after the cleanup of Manhattan was underway, a banner was stretched between buildings across Poyntz Avenue proclaiming that "Manhattan Will Rise Again—Better Than Ever." And Manhattan did rise. In 1952 the city was recognized by the National Municipal League and co-sponsors *Look* magazine and *Readers' Digest*, with one of eleven All-America Awards. A new banner over Poyntz read, "Manhattan — All-American City — 1952." Issues that had been made to present Manhattan's case for the award included: citizen action producing a commission-city manager form of government; flood rehabil-

itation without exceeding budget or by borrowing money; purchase of the wrecked southeast area; parking improvements; citizen concern for the homeless; enlarging the city by more than 25%; renovation of the Community Center and Douglass Center; voting airport improvement bonds; improvement of parks with service club input; and planning for the future.

Mayor Richard Rogers officially represented the city in the All-America award banquet held February 4, 1953. It was attended by more than 200 people, including thirty mayors and city managers from Kansas. Upon receipt of the award, Rogers recognized the work of City Manager Avery, former mayor Z. R. Hook, the cooperation of President James A. McCain and Kansas State College, and Manhattan citizens in general. He summed up his remarks, the last address of the evening, with, "Citizens of Manhattan, I am very proud of all of you." Manhattan's selection for the "All America" award is recalled by Judge Rogers as the most significant happening during his first year as mayor.

The dedication of the Manhattan Municipal Airport came April 19, 1953,² during the final month of Dick Rogers' first year as Manhattan's mayor. Rogers was the master of ceremonies for the open house and dedication, climaxing some fifteen years of work for the airport. Because of delays, fog, and high winds, the whole program took four hours. One newspaper story said that twelve hundred people, crowded into the hangar to stay out of the cold wind, witnessed the ceremonies. Earlier, on the sixth of April six people and 197 pounds of airmail letters (mostly for stamp collectors) got on the Continental plane, which did not arrive until the time of the second scheduled eastbound

flight, and the mayor was one. Lt. Governor Fred Hall was on the eastbound plane and used the occasion for a photo opportunity. These initial Manhattan passengers, in order to publicize the newly available regular flight schedule, were bound for Kansas City to eat lunch with K.C.'s city manager. Rogers' college speech professor, Dr. Howard T. Hill, wrote him a complimentary letter for his success as master of ceremonies. Rogers' public speaking skills and his organizing procedures were paying off.

Closely related to the problems associated with the great Flood of '51 was the pro and con agitation for federal reservoirs in Kansas. The Army Corps of Engineers had planned flood protection reservoirs in the Missouri River Valley since the early 1930s. Their projects were numerous and expensive and Congress was unwilling to fund these ambitious plans. One of the federal government's most tenacious bureaus, the Army Corps of Engineers, never gave up and the devastation of the 1951 flood gave it the opportunity it needed. Through 1951 the Corps of Engineers had always gotten what it wanted, sooner or later.

The selection of Tuttle Creek on the Blue River north of Manhattan was made by a private engineer in the late 1930s and put into the combined Army Corps of Engineers and Bureau of Reclamation plan. Residents of the Blue River Valley were uneasy and had organized some opposition to the idea of a Tuttle Creek dam. But the flood's devastation changed general perceptions. Realistically, political decisions such as this, the development of a large-scale program for flood control dams and reservoirs, would be decided by the far more numerous downstream populations who felt they received direct benefits from such flood protection.

Opponents of the Engineers' proposal for Tuttle Creek were the several thousand farmers and residents of nine small communities in the Blue River Valley who would have to move if such a plan were implemented, and many nearby residents.

Dick Rogers opposed the Engineers' plans for Tuttle Creek. He knew many farmers and other residents in the Blue Valley. His resolve was hardened by Alvin Springer and Hal Harlan, his two Manhattan mentors, early supporters of the anti-Tuttle Creek side in this political argument, and they had many ardent backers in Manhattan. But the community was split on the issue. Many pro-Tuttle Creek sympathizers lived in Manhattan. However, resolutions passed by the Kansas House and the Senate, and from bodies such as the Manhattan City Commission, were sent to Washington showing opposition to Tuttle Creek Dam.

Twice Dick Rogers went to Washington and twice he testified before a House subcommittee in opposition to the Tuttle Creek issue. Blue Valley "Belles" attracted national attention in the late summer of 1952 while their husbands were working with crops or animals on their farms and ranches. The "Belles" made direct appeals to presidential candidates Dwight D. Eisenhower, the Republican, and Adlai Stevenson, the Democrat.

Some money was appropriated in August "dog days" of the Congress in 1952 to get Tuttle Creek Dam underway. A general Republican victory that fall was considered a move against Tuttle Creek, but Kansas' First District congressional race brought defeat for the longtime Republican Congressman who had changed his mind on Tuttle Creek when he voted for the appropriation. The First District had always elected a Republican until the Tuttle Creek issue changed

that. Eisenhower's first Congress had a Republican majority, but the First District Congressman from Kansas was a Democrat, Howard Miller of Hiawatha. This new "anti-Big Dam Congressman" used his notoriety to oppose additional funds for Tuttle Creek, and the Republican majority, seeking to cut appropriations, agreed. In 1954, the pro and anti Tuttle Creek battle was fought out in the Republican primary with William Avery of Wakefield, an opponent of Tuttle Creek Dam, winning nomination. He won the general election against Miller, but Democrats regained control of the House of Representatives. Their leadership interpreted Miller's defeat as a change in mind by Kansans, who no longer opposed Tuttle Creek. New appropriations were made for Tuttle Creek, and the dam was completed and dedicated in 1960. Dick Rogers readily admits that he lost on the Tuttle Creek issue but, for several years in the late 1950s, he was a counsel in the proceedings of property condemnation needed for the reservoir.

After his retirement from the City Commission, Dick Rogers was appointed chairman of a 13-person Committee on Flood Protection by the new commission. This committee served an advisory function for the city commission, and it was expected to lay the ground work for gaining flood protection works for Manhattan. As flood protection measures were considered by the Manhattan group and others in the Kansas River valley, their organizations were co-opted by downstream proponents of big dams. Rogers was elected to go with the Kaw Valley Flood Committee to Washington to voice support for the construction of Tuttle Creek Dam, which he opposed. Therefore, he gave his resignation to the City Commission, stating that Manhattan's Com-

mittee on Flood Protection could still work for flood protection works, but he opposed the furious lobbying by downriver groups in support of the Army Engineers' plan.

Perhaps the most bitterly fought internal issue facing the city while Dick Rogers was mayor for a year beginning May 1, 1952, was the selection of a site for construction of a new high school. City government was involved in this school issue because the school board's first choice was a twenty-five acre Moore tract adjoining the city-owned Sunset Cemetery. The cemetery board wanted the land but did not have enough money to buy it, and the school board believed that voters would sustain their program by endorsing this site for a high school.

The primary election on August 6, 1952, tested the issue with an advisory vote. Support for expansion of the cemetery got 1,805, while 1,115 voted for locating the high school there. Other choices were supported by 683 voters.⁴ The cemetery addition gained a clear majority. In late August the school board purchased the land for \$82,595 and returned the issue to the City Commission, since the advisory vote at the time of the primary election failed to include the expense of the cemetery addition. Mayor Richard Rogers felt he was alone on the city commission in opposition to expansion of the cemetery on to the Moore tract. Since the cemetery would not need the land for at least fifteen years, he believed that other city projects of higher priority had a more realistic chance of gaining citizen support for new bonds.

The Manhattan *Mercury-Chronicle* opposed the school board plan of building the high school on the Moore tract and pointed out that the issue had been around for many years. The previous October, a survey by the

newspaper found 84 percent opposition to the construction of a high school next to the cemetery. The issue found pro and con support in the weeks prior to the general election in November. Rogers and other advocates of a new high school on the Moore tract spoke to PTA's and other groups. Letters to the editor more frequently favored the land's use for a high school, but in the last week before election, front page editorials in the *Mercury-Chronicle* recounted all the reasons why the land should be retained for cemetery purposes. One editorial stated that cemeteries in isolated locations often had stones overturned, a problem avoided within the city.⁵ One of Manhattan's biggest property holders, whose family mausoleum occupied a prime location in the cemetery, published huge, unsigned, anti-high school advertisements in the newspaper. Two days before election, thirteen unsigned real estate agents ran a full page advertisement that dealt with the school board-cemetery issue, but generally supported the cemetery board, since they anticipated more than one high school for Manhattan.

On the day before the general election in 1952, a full page advertisement in the *Mercury-Chronicle*, signed by more than a hundred Manhattanites, including three city commissioners, Lillian Bascom, Ashley Monahan, Richard D. Rogers, and their spouses, proclaimed "Vote No on Cemetery Bonds." More than 77 percent of eligible voters turned out in large numbers for the presidential election. By a narrow margin they voted "no" and sustained the school board plan of a high school on the Moore tract. Subsequently, Sunset Avenue and Poyntz Avenue were joined on the corner of the Moore tract, and the high school and campus was built on the remaining land. In the late

twentieth century, Manhattan has a single, very large high school in a commanding location at the head of Poyntz Avenue, not far from the center of the expanded community. Perhaps Mayor Dick Rogers' early support of this location for the high school and its subsequent construction there is one of the most enduring evidences of his presence in Manhattan. Earlier, the weekly newsletter from the Manhattan Kiwanis Club said, "The Kiwanis Mayor of this town is to be highly commended for taking a stand on the Moore tract and further to appear in so many places expressing a factual presentation of the relative merits of the Cemetery vs the High School. This City, State, and Nation needs people who take positive stands, defending their points of view and rising or falling on their merits."⁶

During Rogers' first two years on the City Commission, many public improvements for Manhattan were initiated or completed. Some were the product of other units of local government. These included the start on the new city hall/city auditorium in the eleven hundred block of Poyntz, just south of the City Park.⁷ That land purchase was completed several days before the peak of the 1951 flood, which had a boat dock in that block on adjacent Poyntz Avenue. The school board began plans for a new high school, while the city's cemetery board would accumulate additional funds for purchase of a much cheaper cemetery site outside the then existing city limits. The city, county, and school district cooperated on the purchase of land for a new park in northwest Manhattan, which was given the name Ci-Co (SeeKo). Riley County Memorial Hospital and Lee Elementary School were in the construction phase. Major improvements were made on street lighting, on streets, on

parks, and on the city-owned sewer and water facilities. In cooperation with the state, adjacent highway development would soon take major highways off Poyntz Avenue. In addition, after a hiatus of several decades, new buildings and additions were completed or under construction on the campus of Kansas State.

Dick Rogers' role as mayor of Manhattan and in other public activities earned him the accolade of "Young Man of the Year for 1952" from the Manhattan Junior Chamber of Commerce. The award, presented by the Junior Chamber's advisor, David Dallas, was made at a banquet in the Wareham Hotel. Dallas was Rogers' employer a decade earlier when, as a college student, Dick was a part-time, relief motion picture operator.

The ceremonial function of a Kansas mayor was illustrated by the many ways in which Dick Rogers represented the city of Manhattan. For example, he rode in the convertible driven by Chet Brewer representing Manhattan in the parade in Abilene, June 4, 1952, recognizing Dwight D. Eisenhower. That day at a reception in Abilene, Mayor Rogers was introduced to "Ike" who inquired, "Did you ever get all the water out of Manhattan?" "Yes, we did, and we're doing fine now," Rogers said. "That's fine," Ike said, shaking Rogers' hand again. "I'm happy to hear that." Rogers had met Ike earlier when his younger brother, Milton Eisenhower, was president of Kansas State College, probably at the time of the Homecoming football game in 1947.

Manhattan's mayor was also on call for a variety of ground breakings and ribbon cuttings. He ate pancakes at R&G Market on a new promotion, he took part in the dedication of a new church building for St. Luke's Lutheran Church, he attended and wel-

comed the installation meeting of the Kansas Association of Real Estate Boards, he spoke to area 4-H clubs, he spoke to the Junior-Senior High PTA on city government, to elementary school PTAs, and to Manhattan's annual Ft. Riley-Manhattan Chamber of Commerce dinner. There were many similar activities throughout the year.

Other business in the 1950s for the law firm of Springer and Rogers included helping to arrange Reconstruction Finance Corporation loans for people whose property was damaged or destroyed in the flood, and in representing the State of Kansas on condemnation cases of land along the route of a planned four-lane highway around Manhattan. Eventually Rogers was invited to serve on the board of directors of the First National Bank of Manhattan, of the Leonardville State Bank of Leonardville, and of the Home Savings and Loan Association of Manhattan. The law firm also examined land abstracts for the Manhattan Mutual Life Insurance Company, for the Home Savings and Loan Association, and served as the Kansas counsel for land abstracts for the Metropolitan Life Insurance Company. The firm of Rogers, Stites and Hill was retained by Federal Agencies, such as Farmers Home Administration and the Federal Land Bank, to examine land abstracts. After Hal Harlan's death, Rogers became the Manhattan school board attorney and general counsel for the Kansas Farm Bureau and its related insurance companies. A little later Rogers served also as the school board attorney for Randolph.

In 1954 Dick Rogers was elected as the Republican candidate for Riley County Attorney. County business was not then as demanding as it became in later years and he could easily take care of legal business of Springer and Rogers, later Rogers and

Stites, at the same time. He was reelected without opposition in 1956 and served as county attorney from 1955 to 1959, when John Stites succeeded him in office. Dick served as Stites' assistant county attorney, and one week when Stites was out of town Dick had his most demanding and involved time in the office of county attorney. A grocer and butcher, Millard Moore, shot his wife and then cut off both hands in his electric meat saw. Rogers filed the murder case. The same week a lady hanged herself, which required an investigation by the county attorney's office. Also, a student was run over by a boat on Tuttle Creek and killed. Another investigation was needed. Indeed, that was a sorrowful and busy week!

For many years there had been a slow local and regional buildup in favor of a Prairie National Park somewhere in the Flint Hills. By the late 1950s this proposal identified slightly more than thirty thousand acres of prairie land on the east side of the Tuttle Creek reservoir as the best site for such a park. Buffalo, elk, and other herbivores could be placed there in a natural setting, and the bluestem prairie could be studied and viewed in the proposed national park. Fred Seaton of Nebraska became President Dwight Eisenhower's Secretary of the Interior in 1956. Seaton had grown up in Manhattan and was the son of the publisher and editor of the *Mercury-Chronicle*, so the paper became an ardent advocate of the new park and moved quickly to realize the ambition of having a National Park near Manhattan. They ignored the people who had provided the groundswell of support for a park in earlier years, apparently believing that the park could be established administratively by the Secretary of Interior.

Many people in Pottawatomie County viewed the proposed park as another grab of taxable property from their county. Much land on the east side of the Blue River had already been taken from the county for the Tuttle Creek Reservoir and removed from tax rolls. There was much other opposition, but Dick Rogers announced his support for the new park, even though it was opposed by Farm Bureau, one of his major employers. This issue was decided relatively quickly, and Rogers did not spend much time on it. In looking back on this time in his life, Rogers believes he may have been influenced in his decision by a recent reading of the nineteenth century U.S. Senator from Kansas, John J. Ingalls' tribute to blue grass. In any case, a congressional subcommittee visited Manhattan and held a hearing where it found many reasons not to locate a national park east of Tuttle Creek. Moreover, with the superintendent of the national parks, the subcommittee sought to land by helicopter in some of the pastures of the proposed site where they were chased off by an enraged tenant, who had the presence of mind to invite newspaper photographers to the confrontation.

For a variety of reasons Congress failed to support this national park scheme. In looking back at this issue, Richard Rogers regrets that the Prairie National Park proposal failed. He says that the "park could have been acquired at a modest figure," at that time. There was a fear that "the land might be diverted to other uses and the bluestem prairie would be lost." Later, the confrontation over the Z-Bar Ranch would have been avoided where an effort in the mid-1990s to raise private monies had a goal of a much smaller prairie park than the proposal of almost forty years earlier.

In 1958, Richard D. Rogers was president of the Kansas Day Club. Rogers was followed as president in 1959 by James B. Pearson, state senator from Johnson County. Formed in the late nineteenth century, this Republican-dominated organization met annually on Kansas Day in Topeka, on January 29 or a date close to the 29th. Habitually, Republican politicking got started for the year in a big way on this date. Kansas Democrats, on the other hand, began their state politicking at the time of their Topeka-based Washington Day celebration in February .

In 1958 Dick Rogers also gave the major address at the annual Memorial Day service in Sunset Cemetery. He examined the beginning of Memorial Day, its celebration and its connection with the first World War, and then he ended with "For our Time — it is our duty (a) to love and protect our country, (b) to obey its laws, (c) to care for our wounded and sick veterans and their families We must be always grateful for our country and its heroes not just on Memorial day but on every day of our lives.."

Inactive armed forces reservists were dropped in the early 1960s. Richard D. Rogers was given his "Honorable Discharge" as Captain in the Air Force Reserves on August 3, 1961. He had been attached to some portion of the armed forces since he was old enough to register for selective service. Ironically, at almost forty years of age he registered for the draft for the first time.

In addition to his growing legal business, Dick Rogers became more active in the Republican party and his involvement in public affairs became even more complicated. James B. Pearson served as chairman of John Anderson's campaign for governor in 1960, and he asked Dick to help. Rogers

knew Anderson when he was Attorney General and Dick was county attorney. Anderson's primary victory over McDill (Huck) Boyd in Riley County was totally unexpected, but an indication of Rogers' effort on Anderson's behalf. In 1962, when Anderson was seeking reelection, Rogers was his campaign manager. Earlier that year, United States Senator Andrew F. Schoepel died on January 21, 1962, and a few days later Governor Anderson appointed James B. Pearson to Schoepel's unexpired term in the Senate. At times in 1962, Anderson and Pearson, who was running for reelection to the U.S. Senate, traveled and campaigned together. Rogers was with them when they made a trip to the southwestern part of the state with a stop in Liberal. Frequently, Rogers would suggest various ways that Anderson and Pearson could meet voters. Both were reserved and somewhat introverted. Rogers was trying to get them to go up and down the streets, shaking peoples' hands. He exhorted them to "Get out there and act like you like people," to which a tired Pearson said, "Damn it, Rogers, I do not like people."

When Anderson won reelection in 1962, Rogers was installed as the state chairman of the Republican Party. He also was appointed to the governor's Atomic Energy Advisory Committee which had minor functions. Frequently Dick, who would at times be accompanied by Beth, traveled around the state on business associated with the Republican party. Throughout his two years as chairman, Rogers emphasized "the fact that party unity wins general elections" and he sought party loyalty from candidates defeated in party primaries.⁸ During these years Republicans dominated state government. The Republican party did not have funds to compensate him for this effort—all



Dick Rogers, Kansas Republican Chairman, at the Republican National Convention in San Francisco, 1964

of his expenditures came out of his own pocket.⁹ His retiring speech again emphasized the absolute necessity of party unity to win elections.

Because of his role as state chairman, Dick Rogers became a delegate to the Republican National Convention in San Francisco in 1964. Dick was attracted to various Republican candidates and finally settled on William Scranton, governor of Pennsylvania, as the liberal Republican to support. However, this was the convention when the conservative backers of Barry Goldwater, as the candidate to oppose President Lyndon B. Johnson in the fall election, gained early control.

Supporters of Goldwater dominated the convention from the beginning. Rogers

arrived early because he was on the pre-convention resolutions committee. There he made an impassioned speech to amend the resolutions with stronger emphasis on civil rights. Rogers felt that the Goldwater supporters were limiting their appeal to voters by restricting civil rights and other issues that long had been featured in Republican platforms. There were too many opponents to the "big tent" idea of what the Republican party should be. Early in the convention Rogers was invited, in a note signed "Barry," to come and talk, but Rogers preferred to stick with Scranton and he did not respond to Goldwater's appeal. When the roster of the states was read on voting for the Republican candidate for president, the Kansas delegates voted 18 to 2 for Goldwater. Dick Rogers of Manhattan and Jim Woodson of Topeka, who was vice chairman of the Kansas Republican Party, stayed with their opposition to Goldwater, who won the nomination easily. Goldwater had a limited appeal nationally and was badly defeated in the general election by Johnson in Kansas and elsewhere.

Following the convention, Rogers received many letters from Kansans who endorsed his vote in San Francisco, but they likely represented a minority at that time. In the first few weeks following the convention his vote in San Francisco seemed to have jeopardized his stature among the Kansas Republican establishment. When the Republican Attorney General of Kansas publicly criticized Rogers and Woodson for their minority vote in the national convention, additional support for these two mavericks came from many members of the Kansas Republican party. Eventually their stand in San Francisco failed to damage their overall reputation within Kansas, while the name of the attorney general was forgotten.

Pledged to Work for Riley County



Richard Rogers

Republican for

State

Representative

(40TH DISTRICT)

Your vote November 3
will be truly appreciated

Richard D. Rogers

In 1961 Richard Rogers was elected to a four-year term on the Manhattan City Commission. Generally, city business could still be handled by the commissioners in a Tuesday night meeting every other week. In the last year of his term, he was again elected mayor to serve for a year beginning May 1, 1964. City business demanded more time of commissioners than a decade earlier. Rogers' life was complicated even more by his role during part of that time as chairman of the state Republican party, by his attendance at the Republican National Convention, and by his own candidacy and election to the Kansas House of Representatives in 1964. As a freshman representative, there was much free time. Most representatives in the sixties and earlier had only their assigned desk, with telephone, in the Representative chamber. They had no separate office—even one shared with other representatives. They did have access to a secretarial pool so they could dictate letters to constituents. During slack time at his desk, Rogers read many a land abstract and took care of other business associated with his law firm.

In the 1965 session, Rogers' legislative duties overlapped with his responsibilities as

mayor. The Topeka *Daily Capital* in a bylined article by Jack Coffman said, "People have a hard time figuring out what to call Richard Rogers. When he is home he is the mayor. When he is in Topeka he is a state representative. Until May he is both wherever he is. As mayor of Manhattan and Republican state representative from Riley County, Rogers faces the time consuming prospect of sharing his time with the Manhattan City Hall and the Kansas House of Representatives. From now until the end of the 1965 session Rogers, every other Tuesday, will have to shelve the problems of the state for a while and beat it back to Manhattan for a City Commission meeting. While the problems of the state give every indication of getting a full going over this session, Rogers in addition faces a full agenda of work governing a city of considerable population...."¹⁰

This juggling had been going on in Dick Rogers' life since the late 1940s when he was teaching four classes of business law at K-State and handling the office and courtroom responsibilities for the law firm of Springer and Rogers. In fact, he had compartmentalized his life as early as junior high school in Wamego when he worked at the drug store, went out for athletics and attended school classes. Dual and triple responsibilities had refined his ability to look briefly at a problem and arrive at a solution. He was a "quick study," and he worked long hours every day to accomplish the many tasks that he assumed. When he played—he concentrated on playing. When he worked, he worked hard. And he had fun whether it was play or work.

As mayor of Manhattan in 1964-65, Rogers had daily conversations with City Manager Homer Wesche, whom he had known for many years. The development of

city government and the expansion of Manhattan's city limits paralleled the growth of population—22,993 in 1960, 27,575 in 1970. Rogers' ceremonial functions as mayor were shared by other members of the commission while he was in Topeka. Still, he had time to attend the groundbreaking for the Northview swimming pool, ribbon cutting of the new J. C. Penney Home and Auto Center, and similar functions. Two years earlier he was the master of ceremonies at the cornerstone laying for the new Manhattan Post Office.

While mayor Rogers also represented the city at a local Kansas Power and Light company banquet to recognize Marion Boudreau, who received the National Safety Council's President's Medal for saving the life of a fellow worker who came into contact with a hot, high voltage, primary conductor. It was Rogers' duty to present the medal "granted only to those who have saved a life by resuscitation." Balfour S. Jeffrey, president of KPL, chaired the program.¹¹ No doubt, Rogers made a good impression: less than two years later, while serving as a state representative and directing Jim Pearson's senatorial campaign, he was invited to Balfour Jeffrey's office. He anticipated a contribution for the Pearson campaign. To his surprise, Jeffrey offered him a position on the board of directors of Kansas Power and Light Company, which he accepted.

Of all his initiatives as mayor, the one Rogers valued most was his support for a Human Relations Board for Manhattan. It was his responsibility to appoint the board,¹² with consultation of other commissioners, and early in his year as mayor he spoke to new members of the board. This agency has become a legacy of his time on Manhattan's City Commission. He expressed his appreciation for citizen willingness to deal with "an

area of social unrest and change that calls for wisdom, patience, tolerance, and understanding in the solution of the many problems that will be presented." He recognized that the "task of this Board will not be easy. Any field, where citizens have sincere and conscientious beliefs in regard to the many facets of social problems and where emotion, passion, and prejudice can be present, challenges the wisdom and ingenuity of those people charged with the responsibility of providing equitable, fair, and just solutions." He further stated that the "problems of denial of constitutional rights such as voting privileges, use of tax supported institutions, and freedom of speech and assembly have long since disappeared from our community if, in fact, they ever were present. This is proper, for many years ago a great Civil War was fought to establish that while states' rights are important, whenever they encroach upon individual rights and human dignity, then states' rights must fall back. Likewise, in the field of public accommodations and in equal opportunities for employment for every race, creed, and religion, great strides have been made. This is also very necessary to a proper working of our form of government and in keeping with the wishes of a just and humane citizenry for the reason that every person of good will is and should be embarrassed and humiliated when another citizen of a different race or religion is in any way embarrassed or humiliated—let alone deprived of some basic constitutional right."

"Manhattan, if for no other reason, needs to be a leader in the area under discussion by reason of our historical background. Like Lawrence, Kansas, Manhattan was founded by free state people from New England and Ohio and our history and background was one

of great concern in these matters. The names of the Manhattan Town Association, the Cincinnati and Kansas Land Company, the New England Emigrant Aid Society, and the Beecher Rifle and Bible Society, all societies with abolitionist connections, establish conclusively that we must continue to advance the ideas and traditions of our early founders."

"But aside from an historical background, it is the more important and compelling motivation that by reason of the worldwide contacts of Kansas State University and the Ft. Riley Military Post and the diverse nationalities they bring to our community; we must now measure up to the responsibilities of a truly international city even though we are 2,000 miles from any seaport. Provincialism is a thing of the past and in addition to our Christian beliefs of equality and justice, the self interest of our community requires a deep understanding of the wishes, desires, and motivations of people of other races—whether they are citizens of Manhattan or visitors in our community from beyond the borders of the United States."

He ended his appeal to the new Board by saying, that "Not all of these problems can be solved. Some problems can be solved only by a gradual change in human attitudes, human understanding, and a diminution of long held beliefs and ideas. All races have civil rights and many people sincerely believe that increasing the rights of one race in some fields decreases the rights of another race. These attitudes must be recognized and we do not charge you with immediate solutions to all problems."

"However, with the calibre of this Board and the understanding and intelligence of our citizens; progress will be made."¹³ And truly progress has been made by the Manhattan Human Relations Board in the past

thirty years. Subsequently, the City Commission provided for an office of Human Relations which handled immediate problems while the Board continued to serve an advisory role. Ten years after the Human Relations Board was organized the *Manhattan Mercury* in an editorial analyzed this pacesetting action "for smaller communities in the state" with comments mostly drawn from Rogers' charge to the Board, which was "effective rather than self-defeating. We genuinely believe that the board, now having celebrated its 10th anniversary, has not only lived up to those original charges but also has dealt effectively with . . . most of the problems that have come before it. Certainly without having gotten off on the right foot, the Manhattan experience would have much less to its credit. Opposition and impatience still exist, to be sure, but thanks to a willingness to accept those original ground rules and an ongoing dedication of purpose of the board's membership through the years the numbers in the extremes have diminished and Manhattan, while still having a long way to go, is closer to its goals of achieving what this and every other community must in the area of human relations."¹⁴

Rogers strongly supported a capital improvements plan for the city. In a general meeting in the City Auditorium in the last month he was mayor, he said there were six advantages to a capital improvements plan. "1) It assures the improvement projects will be coordinated. 2) It allows stabilization of the tax rate. 3) It provides protection against pressure groups. 4) It insures that projects will be taken in proper sequence, constructed as improvements are needed. 5) It allows planning by the finance and engineering departments. 6) If the program is approved by the public, the Commission knows just

what is going to happen and when."¹⁵ Even though he was winding down his stint as state chairman of the Republican Party and was in his first year as a member of the Kansas House of Representatives, he still had time to provide a thoughtful analysis of a significant topic in city activity.

In 1987 a panel of Manhattanites, Wanda Coder, Bill Colvin, Jean Dallas, Dick Green, Les Rieger and Orpha Wesche, voted secretly on the "Best City Commissioners Ever." Their results were published in the *Manhattan Mercury* April 12, 1987. The top five, in the following order, were Richard Rogers, T. Russell Reitz, Barbara Yeo, Terry Glasscock, and Lowell Jack. A repeated comment from the panel was that Rogers was a "progressive commissioner," "able to lead other people, who could communicate with his opponents as well as his supporters."¹⁶

As a state representative, Dick Rogers spoke in favor of fair housing legislation, echoing some of his thoughts presented a year earlier to the Manhattan Human Relations Board. Rogers worked closely with Senator George Haley (Republican) of Wyandotte County¹⁷ on what was finally referred to as a "public accommodations bill." Representative Rogers urged passage of what he termed "compromise legislation," and he called the right to be secure from loss of employment and humiliation by reason of race "a basic human and constitutional right." It passed the House overwhelmingly and got Senate approval without significant change. Another issue which attracted newspaper attention was an effort to place statutory limits on damages for wrongful death, which had strong opposition in the House. This session also had a bill for a new state song replacing "Home on the Range," which got nowhere.¹⁸

Rogers chaired the successful reelection campaign for the United States Senate by James B. Pearson in 1966. Earlier at the dedication of the Manhattan Post Office cornerstone, Pearson indicated his reluctance to personal campaigning, based on his Virginia background. Following his own reelection to the state House of Representatives in 1966, Rogers was heard when a new death sentence bill was introduced. He outlined the history of the death penalty in Kansas, showing that Kansas people had rarely executed criminals in a capital crime. As a former Republican State Chairman he spoke out against the Democratic Chairman who had downgraded six of the top Republican state and federal officers. The topic was broadened and Rogers included Governor Robert Docking when he said that the present Democrat leadership in Kansas, "follows to the letter the pattern the national leadership is always avoiding, the hard and necessary decisions that must be made in responsible government. They always delay and take the easy way out and the problem eventually must be faced and solved by the Republicans." He also stated that, "The Docking administration shines in one field and that is the field of politics. Everything they do looks or sounds excellent but when you sweep aside the thin covering and really study the proposal you find that they are actually doing nothing, excepting creating jobs for the governor's political entourage."¹⁹ When he completed his two terms in the house he was the Republican caucus chairman, vice chairman of the Insurance Committee, and on the State Affairs Committee and the Judiciary Committee.

On April 20, 1968, Beth Rogers was elected Kansas Republican National Committee-woman by the twenty delegates to the 1968

Republican National Convention. The position required considerable travel around the state and attendance at national meetings. When Beth had a responsibility for a program she continued to use music and songs with words parodying well-known hits to make a humorous point. On many occasions she had the cooperation of her husband or her daughters in providing the rhymes or even singing the music.

Also in 1968, the Kansas Senate seat became vacant for the district which included Geary and Riley counties. Dick Rogers became a candidate for the Senate, where the term was for four years. He had strong opposition from the former Geary county sheriff, but won election and began service in 1969. Typically, he was assigned minor duties at first, even though he had been in the legislature for four years.

As senator, Dick Rogers felt the normal frustration of a majority legislator faced by a governor of the opposition party. Robert Docking had just been reelected to his third term and had already served as governor longer than any previous Kansas governor. Docking rarely provided a program, preferring to be known for his austere financial policies. The Coffeyville *Journal* took a look at two recent speeches that were in agreement "that the legislature's performance was irresponsible;" one by Governor Docking, made at Pittsburg, and one made earlier by Rogers in the senate.²⁰ Docking said that the 1971 legislature "posted a sorry record of cruel disregard for the needs of this state." Senator Richard Rogers called the action that prompted "additional cuts from the governor's already inadequate budget sheer folly, and evidences a distrust in the future of the state and the defeat of the legitimate needs of its people." Rogers held

that the “legislature on both sides of the aisle has lost its cool. Like a blinded and wounded elephant, goaded beyond endurance, the legislature has turned on its tormentors with an energy born of the highest frustrations.” Rogers accused the governor and his staff of being the tormentors and that whatever progress had been made under Docking had been made “over the direct opposition of the governor and in spite of constant political attacks on the legislature.” Under Docking’s management style “state funds are near exhaustion . . . Everything possible was delayed at a much greater cost to future years.” Rogers advocated that the legislature should “if necessary, let the governor be the hero. I prefer that to the dismantling of this state.” In other speeches at this time, Senator Rogers denounced the budget cuts made in the closing days of the legislature and he held the legislative session of 1971 to be the worst he had ever seen. Some of the Republican leadership held otherwise and sent a team of six Republican legislators to cities around the state to “conduct seminars” for the news media and others holding that their party had reestablished itself by its belt-tightening.²¹ Instead, Rogers forecast financial crisis. In a speech to the Communications Club at Kansas State University he remarked that “I hope in the next legislative session we regain our composure. I hope the crisis we’re going to be in in 1972 will see the governor and the legislature face up to their responsibilities.”

At times newspapers were taking Rogers’ pessimistic speeches as an indication that he would run for governor in 1972. Others were assessing these speeches as Rogers’ effort to get the nomination as judge of the federal district court in the position vacated

when Judge Arthur J. Stanley retired on April 1, 1971. Senator James B. Pearson owed his appointment to the U.S. Senate to John Anderson, and Rogers was a close friend. Senator Robert Dole, the new junior senator, wanted someone else. Finally, they agreed on Kansas Supreme Court Justice Earl O’Connor and they recommended him to the President. O’Connor was confirmed by the U.S. Senate. Rogers maintained his interest in a position in the federal judiciary and his time would come later.

By the early 1970s, Rogers’ public service included frequent speeches to a variety of public groups. For example, in 1970 he substituted for Senator Dole in an address at the graduation ceremony for Manhattan High School. Several years later he substituted for Senator Pearson when the senator was severely ill and could not make the trip to Kansas. He gave the keynote address to assembled 4-Hers from all over the state at an early June 4-H Roundup on the campus of Kansas State. Many complimentary letters came to him for these presentations. Both the Manhattan graduation and the 4-H speech emphasized old virtues and what to avoid to get on in the world. Rogers frequently served as master of ceremonies for the Manhattan Chamber of Commerce and for other groups. His ability as an M.C. became well-known and his speeches were filled with references to literary themes, often including poetry by well-known authors. Always they included jokes, sometimes appropriate to the topic discussed. At times Rogers drew on his acquaintance with Kansas history. Since he remembered much of what he had read since childhood, Dick Rogers was again a “fast study.” Most of his speeches were prepared in half a day or usually no longer than five hours.

Other public service included membership on the KSU Endowment Association, later known as the KSU Foundation, board of directors, and election as president of the organization in 1973. He also made presentations to groups outside Manhattan and had an active role in the Riley County Bar Association, the Kansas Bar Association, and the American Bar Association. Since his arrival from law school in 1947, he had accepted the advice of Alvin R. Springer, his mentor, and J. Robert Wilson, a good friend, to join as many groups as he could. He became a member of many civic groups, including the VFW, the American Legion, the Elks, Manhattan Chamber of Commerce, the Country Club, Rotary, Masonic orders, the Riley County Historical Society, the Goodnow Memorial Museum Association, and he had a longtime membership in the First Presbyterian Church in Manhattan. One of his acquaintances remarked that he noticed that Dick was not a member of the Knights of Columbus. Through it all Rogers maintained a close interest in his children's activities, in public performances of musicals and plays. He also watched K-State sports, especially football and basketball games, and he played an occasional round of golf. With his family he accepted invitations to visit friends in various parts of Kansas. On rare occasions he joined with friends to go hunting—several times out of state. While his parents had never taken young Bob and Dick on a family vacation, times had changed and Dick and Beth took family vacations in Colorado and elsewhere. This busy, nonwork schedule came in addition to Rogers' full commitment to public office and to active participation in leadership roles in the Republican party.

Near the end of his fourth year in the Kansas Senate, Rogers rose "on a point of

personal privilege." Unlike his comments a year earlier—this time he indicated "pride and satisfaction" in being part of the 1972 legislative session. While the legislature had "not solved all of the problems or even many of the serious problems," it had "laid the groundwork for solutions" and that "the problems of the state will be met." Rogers recognized that legislative duties were changing from earlier times, that the "Kansas people are more restless and independent and in our representative government this carries over to the House and the Senate" while the "resources to solve the problems are diminished," primarily because of "disagreements between the executive and the legislative branches."²²

In 1972, Rogers was reelected to the Kansas Senate. He did not run for other offices suggested in newspaper rumors. He held positions such as chairman of the Financial Organization Committee, vice chairman of the Ways and Means Committee and chair of the higher education subcommittee. In his second term as a Kansas Senator he advocated and supported the "no-fault" automobile insurance bill. For a "meet your legislator" session in Manhattan he listed nine priorities, beginning with the budget for higher education recommended by the Board of Regents. Others included a new school foundation finance plan with the state assuming 50 percent of the cost of public schools to lower property taxes, greater state participation in social welfare costs, a "Consumers Bill of Rights," and other matters to relieve local governments of rapidly escalating expenses.²³

The Kansas constitutional convention creating the basic law of the state had convened in 1859. Most states with constitutions that old had held subsequent constitu-

tional conventions to update their original constitutions. Kansas voters always opposed another constitutional convention, even though it was favored by a large number of the bipartisan leadership in the state. No doubt Kansas voters were reluctant to turn over too much power to a convention. They were fearful that too much would be changed. So, at general elections in the 1950s and 1960s, the constitution had been amended gradually to drop certain elective offices, to change two-year terms of elective officers to four, to change the role of the lieutenant governor from presiding officer of the state senate and have that candidate team up with a gubernatorial candidate. The new governor would have an appointive cabinet for the first time. The final amendments were approved in the 1972 election, so in the 1973 session changes were implemented in the legislature. For example, a president and vice president were elected to preside in the Senate. Robert F. Bennett was elected president and Dick Rogers vice president.

Vice President Spiro Agnew's resignation on October 10, 1973, caught the Rogers family and the nation by surprise. Beth happened to be watching television and saw the first report. Dick was in another room and she told him the news. Beth and other national committee men and women were consulted by President Nixon, who appointed Gerald Ford, longtime Congressman from Michigan, as vice president. When Richard Nixon resigned as president August 9, 1974, Ford became president.

When candidates for governor presented themselves early in 1974, Vern Miller, the Democratic Attorney General, was the sole candidate of his party, while four candidates, including Senate president Robert F. Bennett, sought the nomination in the

Republican primary. Dick Rogers was Bennett's campaign manager and the race was a tough one; Bennett won in the primary by 530 votes with about one third of the total. Bennett had to unite his party to win against a popular "law and order" candidate. The general election was almost as close, with Bennett ahead by 3,677 votes out of more than 780,000 cast. Miller had been ridiculed for his manner of law enforcement and Bennett was ridiculed for his beard. A six-thousand vote margin for Bennett in Riley and Douglas counties, site of the two largest regents' institutions, made the difference.²⁴ Bennett won his races in Riley and Douglas counties with 70 percent of the votes when Rogers organized two late Friday night visits to beer halls in Aggieville and in Lawrence, where Bennett campaigned for several hours in each university town. Rogers had even recruited bodyguards in case they were needed. Early in January, 1975, the Senate was reorganized—Rogers became president, replacing Bennett who had resigned to become governor. Rogers always called Bennett "the real governor," and their friendship was mutual. At the inaugural festivities Beth and Dick Rogers, the senate president, were third in line at the Governor's ball, behind the governor, the lieutenant governor and their spouses.²⁵

"The year 1975 was not one to cut taxes," said senate president Richard D. Rogers near the end of January. The number of requests for additional money to fund existing state responsibilities was too great to plan a tax cut. Furthermore, there was a festering problem of property tax assessments that had to be dealt with. There was too wide a spread between assessment rates between counties and within counties. A possible solution would find the state



Robert F. Bennett and Richard Rogers

assuming a greater share of the tax burden, formerly the province of local school districts. This issue would plague Kansas government for at least the next twenty years.

The year 1975 was also one with additional discussion over appointment of a new federal district court judge to replace Judge George Templar, who was retiring to senior status. Three names of potential judges surfaced quickly, former governor John Anderson of Olathe, state district court judge Arthur B. Fletcher of Junction City, and recently elected senate president Richard D. Rogers of Manhattan.²⁶

President Ford came to Topeka in early February, 1975 to meet with ten Midwestern governors. While there he addressed a joint session of the Kansas Legislature. Seated behind him while he spoke were the governor, the chief justice of the supreme court, the speaker of the house and senate president, Richard Rogers.²⁷ In spite of the possibilities of appointment to the open position of U.S. District Court judge, the pace of Rogers' involvement in the Kansas legislature did not slow down. A. B. Fletcher was

nominated and confirmed as Chief Justice of the U.S. Military Court of Appeals in Washington.²⁸ The federal district judgeship was narrowed to a two man race. Predictions were made that the appointment would come in April, but the month passed without an announcement. In the meantime, the FBI made the usual investigation of a prospective federal appointment, and the American Bar Association conducted an elaborate investigation with widespread interviews of at least fifty lawyers and judges who knew both Anderson and Rogers. By mid-July, the reports were in and Senators Dole and Pearson decided on Rogers for the position. Anderson would later announce that the report by the American Bar Association had a negative effect on his candidacy. Rogers was nominated for U.S. District Court judge by President Gerald Ford, and the Senate Judiciary Committee interrogated him. He committed himself to eliminating the backlog in the court. After some seven months of wondering what would happen, the U.S. Senate confirmed Rogers' appointment on August 1, 1975, without having a formal meeting of the Judiciary Committee. The committee had been polled by telephone by Senator Roman Hruska from Nebraska, the ranking minority member, and there was no opposition.

Rogers' appointment as U.S. District Court judge produced a chain reaction in Kansas. He resigned from the state senate, and from the various boards of directors he held except for the KSU Foundation, where his resignation was as president. His role in the law firm Rogers, Stites, Hill and Wilson ended. Beth resigned as Republican National Committeewoman, and they sold their house in preparation for the move to Topeka. Beth also resigned as organist of the First

Presbyterian Church, a position she had for twenty-six years. In some twenty-eight years of residency in Manhattan, Rogers had served almost as long as an elected member of the city commission and as mayor, as county attorney, as state representative, and as state senator. His involve-

ment in party politics at the same time saw him as precinct committeeman, county, district and state Republican chairman. His Manhattan years had been busy and productive. His shoes would be difficult to fill in the community he had called home for more than half of his life.

*Chapter VI***Music, Literature and Humor**

Music, literature and humor have always been part of Richard D. Rogers' life. In Wamego, the family had a radio so they kept up to date on the latest music. William J. Rogers had a good voice and he liked to sing at home. He knew the words to all of the old songs, including the funny songs. Both William and Evelyn Rogers were good dancers and they were current on new dance music. From an early age, Dick played a clarinet in the Wamego Juvenile Band. Beth Stewart, who became his girl friend and wife, was an accomplished musician and refined her musical interest throughout her life. Dick's voice was good enough to sing solo parts in high school musicals and in other performances, and he developed an ability to memorize words and music.

Evelyn Rogers instilled in her sons a craving for literature. Both Bob and Dick spent many pleasant hours reading in the Wamego apartment. They read much from the small public and school libraries in Wamego. In later years, Richard D. Rogers invariably kept an unread book handy so he could read, and his own library was systematically augmented with new books.

During his growing-up days Dick quickly learned that his dad, and his dad's brothers and sisters, all had good senses of humor. The Rogers siblings kept in close touch through a monthly round robin letter which was filled with stories. In addition various town characters spent much time in the Wamego Drug Store, where lots of humor and humorous ribbing took place. Dick worked there during his junior and senior high school days, and he memorized many of the favorite poems of the drug store crowd. He learned not to take himself too seriously. Also he learned to take humor directed at him by others as well as to deliver a humorous repartee.

Beth and Dick Rogers proved to be a capable pair in providing music and humorous words to fit any occasion. Beth was usually the accompanist and Dick would perform, or when Tish and Cappi got older, they might take the spotlight. Also, they might

tap others to provide help. Dick was in the "Hospital Capers" for the benefit of the Riley County Memorial Hospital. Beth, on the other hand, organized musical presentations for a wide variety of organizations within Manhattan and throughout the

state. Popular classics were included in a "Melody in Music," presented in Wichita's St. James Episcopal Church, and "Mame" was provided for a state PEO convention in Belleville. Beth, Tish and Cappi gave a program for legislative wives at a luncheon at the Hotel Jayhawk. Beth found time to play the organ for a K-State presentation of "My Fair Lady," but admitted that home, with all of the activities going on during Dick's second year as Manhattan's mayor, was like Grand Central Station. Beth frequently played the organ for weddings and funerals.¹

Dick committed to memory many of the poems of "Ironquill," a Kansas lawyer-poet named Eugene Fitch Ware, from Ft. Scott. Sometimes he would recite a poem or paraphrase it in a manner to name names and humorously point fingers. Invariably, Dick's public speeches contained quotations from well-known authors, and he drew on a wide range of sources.

Few of the musicals staged by Dick and Beth Rogers got as much attention as the one presented near the end of the 1969 legislative session. Ray Morgan, the Kansas correspondent of the *Kansas City Star*, recorded it for his paper under the heading, "Senate Poets Lance Bluntly in Kansas Legislature." Morgan wrote that, "Among other things, the 1969 Kansas Legislature will be remembered as one of the few to have their actions recorded for posterity in doggerel." He credited "Senator Rogers and his wife, Mrs. Beth Rogers, currently Republican national committeewoman for Kansas," who "have long had a proclivity for staging musical revues and burlesques for G.O.P. groups. It was in this spirit that the four poems which make up the basic literature of the 1969 legislative epic were created by Rogers and his wife. They had widespread



Dick Rogers (second from left) in "Hospital Capers" to benefit the Riley County Memorial Hospital

circulation among legislators and lobbyists." Rogers explained that "Somebody needed to provide a few laughs when things were getting grim. We did one and it got so much comment that we decided to try some others."

"When it appeared that the legislature was not going to be able to adjourn by its originally scheduled April 12 date, Rogers, under the pen name of Henry Gibson Rogers, parodied the poem, 'September':

"The lobbyists flaunt their harvest
In every dusky nook
As the days speed by, their faces
Achieve a desperate look.

From the Jayhawk rooms at morning
The grapes' sweet odors rise;
The legislators' stomachs flutter
With yellow butterflies.

With all these lovely tokens
 September days are here,
 With summer's best of bourbon
 And autumn's best of beer.

It now appears apparent
 If someone's will won't bend;
 The legislative session
 Will never, never end.

We will go on forever
 Like the Flying Dutchman's ship,
 'Til we grow to hate each other
 And die in combat grip."

When there was sparring between the two legislative houses, Rogers parodied "The Children's Hour," in which he mentioned Rep. Clyde Hill (R, Yates Center), Rep. Bill Fribley (R, Crestline) and Rep. Pete McGill (R, Winfield). Four of the verses were:

"From my Senate desk, I see in the lamp-light
 Descending the broad hall stair
 Grave Clyde Hill and Laughing Bill Fribley
 And Pete McGill with the golden hair.

A sudden rush from the stairway,
 A sudden raid from the hall
 By many doors left unguarded
 They enter our castle wall.

They climb up over the podium
 O'er the back of DeCoursey's chair
 If we try to escape, they surround us
 They seem to be everywhere.

They almost devour us with kisses,
 Their energies give us no rest,
 They have even captured the governor

In his castle at Cedar Crest."

Even with leadership from the same party, the House and Senate might disagree on important legislation. In 1969, the House favored extension of toll roads. Rep. John Hayes (R, Hutchinson), a strong proponent of additional toll roads, had opposition from Rep. Arden Dierdorff (R, Smith Center) who was chairman of the House roads and highways committee. The result was "Johnny Had a Little Dog."

"Representative Hayes had a turnpike bill,

Its fleece was white as snow
 And everywhere that John Hayes went
 This dog was sure to go.

It followed him to the Legislature one day,

It was against the rule.
 It made the legislators laugh and play
 To see the dog in school.

Arden Dierdorff put it aside
 And yet it lingered near
 And waited patiently about
 For the highway veto to appear.

'What makes this dog love John Hayes so,'

The eager legislators cry
 'Cause John Hayes loves this dog, you know,'

Speaker Strowig did reply.

And, you, each gentle animal
 In confidence may bind
 And make them follow at your side,
 If you are always kind."

Ray Morgan labeled the parody of Clement C. Moore's poem, "The Night Before Christmas," as the "piece de resistance of the poetic anthology of the 1969 session." Mentioned were legislators Fribley, Glee Smith, and others and also Rev. Roy C. Holloman, leader of the Kansas United Dry Forces.

"Twas the night before adjournment and
 across the hall at the House
 Not a Senate bill was stirring; we're treated
 like a spouse;
 The bills were all listed in the calendar
 with care,
 In hopes that Bill Fribley soon would be
 there;
 The senators were milling around drinking
 their pop,
 Well aware of the fact their pay would soon
 stop;
 And Glee in his office, with DeCoursey taking
 the rap,
 Had just settled down to a long morning
 nap.
 When out in the corridor there arose such a
 clatter,
 I sprang from my desk to see what was the
 matter.
 Away to the hall I flew like a flash,
 To make sure that the turnpikes hadn't
 stolen the cash.
 The lobbyists were standing around in a
 row
 With their red noses giving light to objects
 below,
 When, down the rotunda there came into
 view,
 A Lincoln Continental, that was just brand
 new,
 With a youthful driver, who was over the
 hill,

I knew in a moment it must be Ways and
 Means Bill.
 More rapid than eagles his followers they
 came,
 And he whistled, and shouted, 'Heel,' and
 called them by name;
 Now, John Hayes! Now Euler! Now, Borgen
 and Brown!
 On Everett! On, Dave Mills, We're taking
 this town!
 We're off to the third floor to take over the
 hall!
 Now dash away! Dash away! Dash away,
 all!
 As dry leaves that before the wild hurri-
 cane fly,
 The senators are scattered, they fear the
 evil eye.
 So up to the third floor the invaders they
 flew.
 With their arms full of dogs, as their trad-
 ing stock, too.
 As I drew back my head and was turning
 around,
 At the door of the Senate came the pirate
 with a bound.
 He carried scotch and bourbon over his
 shoulder in a pack;
 Quick as a flash he had Reverend Hol-
 lomon down on his back.
 A wink of his eye and a twist of his head,
 Soon gave me to know I had everything to
 dread;
 He spoke not a word but went straight to
 his work
 And stripped every senator, I stood like a
 jerk,
 And laying his thumb to the point of his
 nose,
 And giving a sneer, to the fifth floor he
 rose;
 He sprang to his Mark IV, to his gang gave

a whistle,
 And away they all flew like the down of a
 thistle.
 But I heard him exclaim, ere he drove out
 of sight,
 I've whipped you again and to all a good
 night."

A poem which Dick Rogers would recite
 on occasion, with various timely problems
 inserted in the last line, was:

Absolute knowledge I have none,
 but my aunt's washerwoman's sister's
 son

Heard a policeman on his beat say
 to a laborer in the street

That he had a letter just last week
 written in the finest Greek

From a Chinese coolie in Timbuktu
 who said that the negroes in Cuba knew

Of a colored man in a Texas town
 who got it straight from a circus clown

That a man in the Klondike got the news
 from a gang of South American Jews

About somebody in Borneo
 who had heard of a man that claimed to
 know

Of a swell society female fake
 whose mother-in-law would undertake

To prove that her seventh husband's sis-
 ter's niece
 had stated in a printed piece

That she had a son who had a friend
 who knows when the *energy crisis** will
 end.

**Watergate Mess; Nixon Mistakes; Dock-
 ing Regime*

During his service in the legislature and
 elsewhere Dick Rogers maintained his loyal-
 ty to Kansas State University, where he got
 his undergraduate degree, rather than Uni-
 versity of Kansas where he got his law
 degree. Senator Wint Winter, a KU alum,
 was the target of the following poem.

"Winter had a jayhawk
 With feathers red and blue
 And everywhere that Winter went
 That smart-aleck bird went too.

It followed him to Iowa
 Then on to old Mizzou
 And as it preyed upon these folk
 It's ego larger grew.

So this cocky bird did strut
 Around the great 'Big 8'
 Eventually on up the Kaw
 To take on old K-State.

But Willie Wildcat stood his ground
 He was prepared to fight
 And so began the battle
 On that February night.

They clawed and scratched and even spit
 A gruesome sight indeed
 Willie triumphed, quite unscathed
 The Jayhawk, whipped, did bleed.

And so the ending is at hand
 Old KSU did win

If you're a Hawk from Ole' K.U.
Well, you've been whipped again!"

After one Jayhawk victory over the Wildcats, Winter brought the Jayhawk mascot into the Senate, to the delight of assembled senators. After much bantering, involving wearing of purple and white caps or red and blue caps, things settled down, and Rogers said, "Get that revolting bird out of here!"

About 1968 in a long "Senate Floor Poem directed at Governor Docking," Dick Rogers wrote,

"Legislators have said the best
Of the occupant of Cedar Crest
But it is difficult to treat with regard
A man who beats your back so hard.

It's hard to hold in great respect
This jockey riding on your neck
He says the state is going broke
Bill Avery swallowed this artichoke.

The more the Governor pleads his case
The worse he is going to look
It will take more than Tom VanCleave
To get him off the hook.

Without a doubt he takes the prize
He blames it on the other guys
As a *politician* he is the best
But as a *leader* he needs a rest.

The Governor points to this Senate
Says he's embarrassed and ashamed
For 3 years he's furnished no leadership
His shotgun is poorly aimed.

He says what people want to hear
He fools the citizens far and near



Dick Rogers, president of the Kansas Senate in 1975, confronted by a Jayhawk

We all knew since a January morn
That tax *increase* is *his* tax reform.

To tell the truth he doesn't care
If the property tax leaves us all bare
He's a Phi Beta Kappa so he should know
That 27 million helps the school tax so.

His highway plan is particularly bad
He won't face facts and gets so mad
Turnpikes went out with the buggywhip
The *Titanic* must have been his ship.

To put it as kindly as I can
We should not sustain this man
On this one point you can be sure
His recent blast is just plain *manure*.

And now because the executive branch
Is in a hell of a mess
I'll exercise my god-given right
Mr. President, I vote 'Yes'."

Rogers made a few additional remarks about "unfair and misleading attacks upon the legislature, for the sole purpose of partisan political gain" and he asked that his "remarks be printed in the Journal" of the Senate.

Rated as the best legislative parties by Richard D. Rogers were the Bluestem Dinners financed by the railroads. The first Bluestem Dinner made reference to a noon drinking luncheon involving Rep. Shelby Smith, Rep. Tom Van Bebber, and Rep. Tony Brauchi. Brauchi had a new car and Van Bebber said, "Wouldn't this be a great afternoon to take a ride in your convertible?" So Smith, Van Bebber and Brauchi took off and headed for Alma and a famous eatery there. A very important vote came up in the House and Speaker Pete McGill issued a "call of the House" for the vote, and he needed the three sure votes that Smith, Van Bebber and Brauchi would provide. The Highway Patrol was asked to locate them—but they could not be found. After the vote was lost, the three called in late from the Alma Hotel and the Speaker was so angry he would not speak to them.

The second annual Bluestem Banquet, with Dick Rogers as M.C., gave his version of that "gregarious group, better known as Winkin, Blinkin and Nod, [who] finked out on their fellow legislators one day in the midst of a hectic session, and with reckless abandon, embarked on an afternoon drive through the historic Kansas flint hills." Eight popular songs were sung with words appropriate to the roasting of fellow legislators. The M.C. poked lively jibes at various legislators between the songs. To the music of "Side by Side" the first two verses were:

"Oh, the state's gone to hell and they know it.

They're all depressed and they show it.
So they're spending the day running
around,
They're bluestem bound.

Shelby, Van Bebber, and Brauchi
Cruisin' as fast as a Lockheed
Oh, they're yuckin' it up
So don't you wait up
They're bluestem bound."

A final verse sung to "Consider Yourself" was:

"A call of the House is on
And Speaker McGill is hot
But bluestem draws our little fellows
to its breast
The bluestem boys chose their lot.
Abortion and the school finance
can go to hell
The bluestem life's really swell."

To the tune "Daisy, Daisy" the first verse was:

"Speaker, darling
Leader of all the House
You're my buddy
Certainly you're no slouch
You've taught me the joys of power
I learn more every hour
'Cause you're the best
None will protest
You're our champion from Winfield town."

In a lampoon of the M.C., Dick Rogers, the words for one of the first of four verses of "You Make Me Feel So Young," were

"I want to be a judge
I want to be a courtroom drudge

I want to make decisions like old
Justice White and Justice Douglas do”

Using the tune “Who” was an “Ode to Old Shelby,” while “It’s Just One of Those Things” had words for Governor Robert Bennett. The governor was also roasted to the tune of “Release Me” where the first three verses were:

“Please release me can’t you tell
I’ve cast my lot with Fletcher Bell
And old Joan Finney ain’t that slow
Release me and let me run my show.

You’ve got Storey on my back
And D.O.T. is catching flack
Those orders that you think are swell
Have cowboys all cursing me to hell.

Oh, my bearded friend you know
That the Speaker loves you so
But I’ll protect our state so drab
Release me from your old power grab.”

The final number “British Rose” was a tribute to Olivia Bennett, wife of the governor. Closing words from the M.C. were “We thank you for bearing with us throughout this roasting this evening. It was all in fun with no malice intended. We sincerely thank Henry Rockefeller Schulteis for financing this delightful evening and I ask that we pay him tribute with a rousing round of applause. Thank you all — we love you and good evening,” and the 1974 Bluestem Banquet came to an end.

The format for 1975’s Third Bluestem dinner was much the same, even the directing of “remarks to the original bluestem Threesome.” Current political news, such as

the attempt of Missouri to build a prison across the river from St. Joseph adjacent to the northeastern Kansas county of Doniphan was incorporated into the monologue. The Missouri river had changed course so that a small piece of Missouri was west of the river. Also in the news was the remodeling of the governor’s mansion and all of the problems involved.

The first musical number was, “B E Double N E TT That’s the Governor.” “Ode to the Speaker,” followed which contained the verse,

“Oh, the House is a circus and the Senate
a zoo
With animals loose in the halls
And then the Speaker takes hold with a
manner so bold
And they tremble whenever he calls
With a whip and a chair then he enters
his lair
Hitting Carlin direct in the ____!”

Other songs included “Governor How I Love You,” to the tune “Swanee,” and “We Got Confidence,” reputedly a strategy session in the governor’s office. A series of song dedications were read, “From Gov. Bennett to anyone: Somebody Loves Me, I wonder Who, I wonder where they can be.” Also, “From Gov. Bennett to Sen. Gaar. I’m Gonna Wash that Man right out of my hair.” A third dedication was “From Sen. Storey to Mary Turkington: I’ve grown accustomed to your face.” And finally, in recognition of strong support for capital punishment, “From the House to Sen. Reilly: Don’t hang around much anymore.”

In letters covering much of Dick Rogers’ professional career, there is communicated evident affection for the correspondent. Frequently, there was kidding, such as shown in

a letter to J. Robert Wilson, dated October 19, 1955. "I was thinking about our Weight contest and at the same time was looking over some wild life stamps and for some reason the thought of you flashed into my mind. I enclose the picture which reminded me of the way you looked just before you stepped on the scales." Pasted to the letter was a picture of a walrus. Two excerpts from letters from Robert F. Bennett—first on April 6, 1978, "Which reminds me, and I am sure you know, in China this is the year of the horse. The Legislature is only celebrating the last half." From a letter on January 25, 1979, "You are surrounded by old friends. You are within a stone's throw of Lincoln, a pebble throw from McGill, and immediately adjacent to a smiling Chancellor (in the days when the honeymoon was not over) and the gesticulating King of Sweden, not to mention your juxtaposition to the south end of two north-facing hunting dogs. I am sure you also will be overjoyed to know that, though I have no northern view, you are in a position where you could sound the alarm for approaching glaciers though frankly it might be too late."

Judge Richard D. Rogers' law clerks and pro se law clerks have a fund of stories, frequently humorous, about their judge. Very quickly he treated each one as family. One of the first clerks, Robert A. Prentice, remembered that he interviewed about 30 seconds for the job in Rogers' office in the state capitol. He recalled his first day on the job, how he wanted to get there on time, so he arrived at 8:00 a.m. only to find the judge and the other law clerk hard at work. So the second day he arrived at 7:00 to find everyone already there. The third day he got there at 6:30 and found Martin Bauer, the other law clerk already there and the judge breezed in

a few minutes later with a few jokes, recounting that morning's trip to the "Y." That early morning schedule became an expected feature and early morning hearings as well as late afternoon hearings were not out of the ordinary, as seventy-hour weeks became a standard. The only thing "that kept it from really getting out of hand was the fact that the Judge was concerned about the health and welfare of our court reporter, who at that time was Russ Ingram."

The long, hard hours were sprinkled with good humor and many stories. Prentice recalled about the Judge, "nobody likes a joke more than he does. He's told more bad jokes than anybody I know, more good jokes than anybody I know, and just more jokes total than anybody I know. No one enjoys humor more than the Judge. He's really just great about that. And lots of his jokes are at his own expense. In fact, he laughs more than anyone else, and certainly his law clerks always felt free to do so. There are a few of you who certainly know about the genealogy letter, the found suitcase, and the tuxedo, and some of the other stories."²

Prentice also remarked about the feeling of humility about Judge Rogers. He enjoys visiting with everyone and treats "people the same whether they're at the top of the social ladder or at the bottom." Prentice also added a paragraph of "in-house" jokes which were identified by key words. They were, "on behalf of your Larry R. Browns, and your sheep-faced loons, and on behalf of all of us who were a little broad in the beam or ugly and abused the privilege, or were mistaken for Jersey milk cows, on behalf of all of us who ever fell apart like fifty cent window-shades or wandered around like geese in the moonlight, on behalf of all of us who weren't known from Adam's off-ox or were ever

ready to fish, fight, or fool around, and on behalf of all of us who ever thought it was better to overdress than to underdress.”³

At the time of the presentation of the official portrait of Judge Rogers in 1990, an elaborate plot was planned by the two law clerks, James L. Prentice and Will P. Haley. They were responsible for unveiling Dick Rogers’ portrait. Aware that their plan might pose problems they consulted several days before with the Judge. He wondered about it then telephoned Judge Van Bebber to ask what he thought. He said go ahead, but they told the artist who had painted the portrait—they didn’t want her to have a heart attack. The following is the report of what happened. “Pat Haley and Jim Prentice approach the easel in the front of the courtroom. As they reach the easel, Pat Haley trips and falls into the veiled portrait, sticking his arm through the frame. Members of the audience [gasp then they] laugh as they begin to realize that the veiled picture is a sham. The law clerks remove the imposture from the courtroom and return with the authentic portrait of Judge Rogers, which is unveiled.”⁴ Chief Judge Earl E. O’Connor, who was presiding, never missed a beat. He introduced the artist on schedule, then he said, “I move on in this program with some trepidation here with our honoree.”

Some of Judge Rogers’ remarks were:

“If it please the Court, it is my honor to reply to the accolades received here today. Such accolades have been complimentary and have shown great tolerance of my many faults, and the errors of judgment that have occurred herein have risen and are glued to the ceiling of this room. Frankly, I have dreaded this ceremony. I have suggested several times to our Clerk, Ralph DeLoach, that we simply hang the picture in the hall and hope that it will not frighten the Boy Scouts on naturalization days. (laughter) This statement has to do with the subject of the portrait, not the outstanding ability of the artist. However, history and tradition mandate that we proceed with a ceremony.”

“I was further reluctant to proceed with the ceremony because I feared the speakers might surprise me with revelations about my past career, and I dislike surprises.” And he told one of his prize stories about a burglar being surprised by a “huge Doberman dog” named Jesus. Judge Rogers further tied the portrait unveiling to his swearing-in of fifteen years earlier, when he had quoted from Kahlil Gibran, by reciting other words from the Lebanese poet. Judge O’Connor remarked in closing the ceremony that “this was a delightful occasion. I’ve attended a number of these, but I don’t think that I have ever attended one where I felt the dignity of the Court had been in greater jeopardy.”

Chapter VII

United States District Judge August 7, 1975 – December 31, 1988

Richard D. Rogers took the oath of office as United States Judge, District of Kansas in a sizable court room on the east end of the third floor of the U. S. Post Office and Court House in Topeka, Kansas, on August 7, 1975. This large, imposing, walnut panelled room had served the district court for almost fifty years and had been used earlier by Judge George Templar who had taken senior status the previous year. Rogers took over Templar's office nearby, a big corner room with windows facing both east and north, adjacent to a still larger room that served as the court's library. Smaller offices for court staff were also on the third floor.

Rogers' commitment to reducing the court's backlog of cases found him and his staff coming to the office as early as 6:30 a.m., with departures often twelve or thirteen hours later. Sixty and seventy-hour weeks were usual. Two law clerks, initially Robert A. Prentice and Martin W. Bauer, kept up this strenuous schedule and came to like and even love their hard-driving Judge whose joy in the work permeated the whole staff. One pro se law clerk, Leslie (Granger) Prentice, at first worked for all of the district judges to process a heavy case load of petitions coming from federal and state prisoners. When court was in session there were other personnel in Rogers' courtroom, Ralph Gomez, the courtroom clerk, and Russ Ingram, the court reporter. The clerks and the secretary, Beverly Probasco, who had served Rogers in the state senate, were soon treated by the Judge as family. They listened to his stories and his jokes and he listened closely to whatever they had to say.

In 1977 Larry Mundy replaced Martin Bauer as law clerk. Both Mundy and Robert Prentice resigned in 1980 to be replaced by Robert's brother, James L. Prentice, and William P. "Pat" Haley, who have served ever since. Later pro se law clerks included: Lori Fink, Tracy Venters, Rachel Lyle and Connie Hamilton. Cindy

Johnson followed Ralph Gomez as Courtroom Clerk and she was replaced by Sharon Stark. Court Reporter Ingram was replaced by Debra Scott. After Beverly Probasco retired, Patricia A. Stones became the secretary.

When Richard D. Rogers moved his family to Topeka in 1975, he and Beth Rogers

were severing close ties with the Manhattan community. A location some ten miles outside Topeka, near Auburn, was the site of their initial home. It had a big house with a swimming pool and a horse barn, all on thirteen acres. Four of the horses were moved along with the family furniture and keepsakes. Tish was married to Jim Concannon and working in Governor Bennett's office. Cappi was a student at Kansas State University and Kurt was attending a nearby middle school.

Dick Rogers made the transition to a new community easily. He plunged into a variety of community programs, free of partisan politics, which had been a big part of his life for many years. He was active in the Topeka YMCA, on committees promoting Railroad Days on Labor Day weekend, and similar community projects. He soon learned that a group of judges and a few lawyers ate lunch together on stated days in various restaurants, and he shared in these new associations.

For Beth, starting over in Topeka was more difficult. She left the demanding schedule of her music with its weekly choir practices and other requests for her ability on the piano and organ. Also, she had resigned the prestigious position of Republican National Committeewoman, which she had occupied for almost eight years. It took her some time to replace these activities that had been a large part of her life. She felt isolated in the country home far outside the city.

Tish, already in her own home, Cappi and Kurt made the transition more easily than their mother. But the interest in horses was no longer there, and a relocation was made closer in to Topeka to the Shadywood area. A later move of the family residence was made to Briarwood, and finally to a condominium in Mayfair.

Judge Rogers has frequently termed his years as a United States Judge as the best years of his life. His general response to anything is an optimistic view about any part of his life. The only time he particularly felt outside the overall community was when he was a student at Kansas State—his football career went awry when his left shoulder was repeatedly separated and let him down, and his association with a fraternity caused him to feel he was a poor boy in a rich boy's society. Nevertheless, his remembrance of his K-State days in later years recalls his athletic career and his fraternity experience as a growing up time—that his overall impression of his undergraduate college years was positive—he had good instructors who prepared him for involvement in a world war and in the times that came afterward.

In spite of Judge Rogers' general assertion that his years as a United States judge are the best years of his life, there was unexpected unhappiness. Beth was unwell in the early 1980s—her illnesses might have been aggravated by many years of heavy smoking, a habit she picked up during her freshman year in college. She was feeling better and becoming more involved in various community affairs after the family relocated to Mayfair. Early in October, 1983, she had gone to Manhattan with Dick to participate in the kickoff campaign for the proposed Bramlage Coliseum and she seemed to be well. Then, while her Aunt Helen Julien was visiting in the Rogers' Topeka home, Beth had a massive stroke about 9:30 a.m., Tuesday, October 4, 1983. Dick was called at his office and he telephoned for an ambulance, but Beth had died before either the ambulance or he could get there.¹

Eulogies for Beth Rogers were lengthy. It was recalled that she had attended three

Republican national conventions, 1964, 1968, and 1972, in an official capacity. Also remembered were her many talents and "boundless energies," her accomplishments with piano and organ. She had a "marvelously creative touch and a sense of what was most appropriate to occasions such as weddings, funerals and choral accompaniment that set her apart from other musicians." Such activities paled with time and energy "spent in doing a multitude of largely unsung things for people and groups simply because they needed doing. And having done them, she was apt to reason, things would be better for all concerned."²

Pictures taken of Richard D. Rogers generally show him in a solemn pose. For some reason photographers rarely take pictures of him when he is smiling. In the year or two after Beth's death, pictures of Dick Rogers show him with a very grave expression. He looked almost sick. His participation in social activities was curtailed. He maintained his regular, exhausting work schedule without the extra associations that had become a part of his life. Sometime later while he attended the engagement party of Mrs. Carol Garrett and Robert L. Brock at the Topeka County Club, the back of his head got in a news photograph. A friend clipped the newspaper picture and sent it to him with the notation, "glad to see you're back in the swim."

By the time of her mother's death, Tish had a divorce and was married to Larry Rogers, Wamego pharmacist who was a Democratic member of the state senate. Tish and Larry had an adopted daughter, Alexis, and Tish divorced again. Briefly, during her second marriage, she lived in Russell. Later she became the director of the Topeka Arts Council. Cappi was mar-

ried to Douglas Nelson, a certified public accountant employed by the Security Benefit Life Insurance Company. They have two sons, Ryan and Andy.

Kurt graduated from Washburn Rural High School, got a job with Kansas Power and Light and married Martha Dreiling. They had twins, Josh and Trevor, and were divorced. In the late 1980s Kurt enlisted in the U.S. Navy. Then he dropped out of Dick's life and has not communicated with his father since. Dick Rogers is a grandfather five times. These grandchildren are growing up rapidly and Rogers is very complimentary of their traits and abilities. All of them live in Topeka so he can easily visit them.

Following Beth's death, Dick Rogers gradually returned to the social scene in Topeka. He dated a few women he knew in Topeka, and there was one especially that his daughters liked. But he could not settle down. He continued his strong associations with racquet ball and tennis players at the "Y." Rogers later had two hip replacements, and racquet ball and tennis gave way to golf, biking and swimming. His participation in the regular weekly luncheons of lawyers, federal and state judges in various Topeka eating places could be counted on. His close association with G. T. "Tom" Van Bebber from legislative days continued, and Dick's input helped Tom become a U.S. Magistrate in Topeka. Dick introduced Tom to Alleen Castellani and was the best man at their wedding. Earlier in 1985, Dick was formally introduced to Cynthia Conklin by Barbara Wilson. Cindy had divorced in 1981 and had two attractive children, Katherine E. Conklin and Kenneth E. Conklin III, who were thirteen and eleven years of age at the time. After two years of courtship, where they found many common interests in spite of an age differential, Cindy



Wedding day, April 4, 1987, for Dick and Cindy Rogers. Left to right: Katie Conklin, Cindy, Kenny Conklin, Dick, Tish Rogers with her daughter Alix in front, and Cippi Rogers Nelson.

and Dick married on April 4, 1987. Tom and Alleen “stood up with them at their wedding.”³ Dick became an appreciative father to Cindy’s two children. He helped Katherine get driving lessons and later he provided her with a car. Kenneth and Dick found many mutual interests, boy scouts, sports, hunter safety, discussing books, and in general conversation. Dick was delighted when both of them decided to attend Kansas State University. After two years Katherine transferred to a pharmacy program at Creighton University, where in 1995, completion of a hospital internship is all that remains for her to obtain a doctor’s degree in pharmacy. Kenneth majors in architecture, and an added interest for Dick was Kenneth’s election as president of Beta Theta Pi fraternity for his senior year. That was Dick’s college frat and his associations there invoked some pleasant memories. Kenneth does exceptionally well in his academic and his fraternity life.

Two and one-half months into his role as a United States District Judge, Richard D.

Rogers indicated that he “always had a high regard for the federal judiciary and for the last 20 years I’ve been interested in being a judge.” He recognized that there were geographical differences on severity of sentences imposed, that Midwest jurists were “historically more concerned with law and order,” but “not afraid to show compassion.” He also noted that “law has to change with changing conditions.” Discretionary power for judges still was needed because no two cases are the same. The flood of petitions coming into the federal courts was lamented. Near the end of a month, he felt it was an “overpowering burden” having “written 20 opinions” during the past 29 days.⁴

Judge Richard D. Rogers says he likes criminal cases better than civil cases. In his years as a federal district judge, many of his opinions (about five per cent of the total) have been published in various volumes of the *Federal Supplement*, the *Federal Rules Decisions*, and the *Bankruptcy Reporter*. Invariably, these are civil cases. The criminal case opinions generally are not published opinions because there are no motions for summary judgment and very few motions to dismiss in criminal cases. Generally, the alleged crime is obvious and the case moves speedily. Federal criminal cases require twelve jurors who must agree on a verdict. A unanimous verdict is required also in civil cases, but a civil jury of eight, seven or six citizens can decide a case.

In 1977 the four-story, twelve million dollar Frank Carlson Federal Building, across Quincy Street from the Topeka Post Office and Court House, was completed. Even before it was accepted by the General Services Administration, it was occupied by 437 employees from 21 agencies, including the offices of the United States District Court in



Judge Rogers in his office, after 1977

Topeka. Judge Rogers still occupies the southwest corner office on the fourth floor. His clerks, secretary, library and courtroom are nearby. The building contains a central four-story atrium and was considered to have “innovative new standards intended to save energy and provide taxpayers with the longest and most useful life possible, it is intended to serve as a model for future government construction.”⁵ At least two security issues for federal buildings in later years would call into question the reporter’s brave assertion, made in 1977.

In his first years as a U.S. District Judge, Rogers believes that he was not a heavy sen-

tencer for a person convicted of a federal crime. He feels that he got involved with the people who appeared before him in his court and he understood something about their lives. One of his law clerks said that “sentencing is probably the biggest thing he wrestles with, . . . as big hearted as he is it’s difficult for him to make some of these decisions. But his allegiance and responsibility is with what is fair, and his desire is to see justice done in all cases.”⁶ Later the U.S. Sentencing Commission was created by Congress to achieve more consistency in the punishment issued from the ninety-four separate U.S. District Courts. Parole was abolished and a more severe set of guidelines was provided. Judges were still given some leeway. Rogers believes that generally his sentences have been at the low end of the guidelines. Federal judges have the authority to depart upward or downward from the guideline range, but only in special circumstances. Almost all of the time they operate within the parameters of the guidelines.

Criminal cases rarely allow the court an opportunity to provide a lengthy opinion, but they have provided Rogers with glimpses of some unique or notorious personalities. Judge Rogers presided in the murder trial against Thomas Silverstein, who in prison was a prominent member of “The White Aryan Brotherhood.” Later Silverstein was tried on other murder charges—one committed during a prison lockdown—and he became so notorious that a special cell for him was constructed at the Leavenworth prison. Silverstein was also the prime subject of the book, *The Hot House: Life Inside Leavenworth Prison*, which dealt with the lives of prisoners at Leavenworth. Judge Rogers also presided over criminal charges against a state sena-

tor from Oklahoma on a change of venue. That trial dealt with corruption in Oklahoma government.

In cases of white collar crime, acts involving embezzlement, fraud, perjury, and similar nonviolent crimes, Judge Rogers believes that probation, under some kind of court supervision, for those convicted is far superior to incarceration in a federal prison. He feels that many persons convicted of white collar crime would not last in a penitentiary situation. In spite of everything, federal prisons provide vast potential for danger. Judge Rogers maintains that in every possible situation he will put a white collar criminal on probation and that in only one or two situations has a person he put on probation turned sour. The judge remembers that one of his probation failures was a man convicted of stealing from a company, who had a strong recommendation from Governor Orville Faubus of Arkansas. There was a job waiting for him in Arkansas. So he was put on probation, went to the job in Arkansas, and the next news that came back to Topeka was that the probationer was stealing from his new company.

Far more frequently it turned out like the case of a young man convicted of embezzling from a Kansas bank. Over the objection of his law clerks and several other people in the federal government, Judge Rogers used his Rule 35 authority to place the man on probation. He went to Marysville to a job with the rapidly growing Landoll Corporation and he has become "a cracking good citizen."

Political figures are closely watched when they are brought into court. The press and the public have a gut feeling that people of prominence are treated more leniently than those who are virtual unknowns. Judge Rogers believes that such people are

so closely watched by the public that their penalty when convicted is generally far greater than that suffered by most convicts. Judge G. T. Van Bebber presided in the federal case against former Kansas lieutenant governor David Owen, who was convicted and sentenced for a relatively short prison incarceration. Because Judge Rogers felt that Owen had served the time intended by Judge Van Bebber, and because he thought the Parole Commission had abused its discretion in determining the amount of money involved in Owen's crime, he granted Owen's petition for release from prison. Not too many years before that, Owen had the potential of gaining election in Kansas to the office of governor.

Judge Rogers has accepted the responsibility in Kansas of acting on all federal petitions and habeas corpus petitions coming from federal prisons, especially Leavenworth and the military prison there. He also handles all state cases involving the parole board since Judge Dale Saffels has a conflict because a stepson is on the parole board. Judge Saffels handles the other state prison cases. Two pro se law clerks in Topeka work for all of the federal district judges and their task is to screen these petitions, which by the mid-1990s average about sixty cases a month. Generally, these cases are prepared by the convict without outside legal help, and they can be filed in federal court without paying a filing fee. When it appears that there is something in the petition, that it has substance in it, and is so complicated that the prisoner cannot be expected to present it himself, the court can and does on occasion appoint counsel to represent the petitioner. There is no requirement that the petitioners have money to file the petition or pay the court-appointed attorney.



Cindy and Dick at Governor Mike Hayden's Inaugural Ball, 1987

Civil cases are less clean cut than criminal cases, according to Judge Rogers. Some cases are very close on legal rights and he wonders when a verdict is reached whether the winner should have received more or whether it should have been less. Civil cases, especially with constitutional implications, or with the possibility of creating new law, are the bulk of the opinions of U.S. District Court Judge Richard D. Rogers that are published in various federal case books.

According to Judge Rogers, "We settle a lot of cases by trying to get the attorneys and parties friendly around the table." He is

proud of his law clerks and the work they do. "The clerks keep me on my toes. I love working around bright, young people. And judges, as they get older, tend to get more conservative. The young people keep me compassionate."⁷

Since 95 percent of all district court opinions are not published, Judge Rogers, early in his career, had a catalogue prepared of the opinions which he authored. The case files, in manuscript form, eventually are placed under the custodial care of the clerk of the court. Attorneys found out about the catalogue and would telephone the secretary, then come to the office and go through the catalogue to locate opinions that had relevance to a case they were preparing. There is much law in these unpublished cases.

Computerization of court records has changed the older pattern. Companies that publish federal court opinions in beautifully bound hard copy volumes also make use of computer format for publishing a larger quantity of court decisions. Also, some of the cases that appear before Judge Rogers' court are the product of the computer revolution.

Such is the case of the *Rural Telephone Service Co., Inc. v. Feist Publications*. In this hard-fought case, Judge Rogers' decision was reversed by the United States Supreme Court. He says "we were . . . depending on what Justice [Oliver Wendell] Holmes had said. And the Supreme Court, the United States Supreme Court, just flipped that around completely on us, so that's not one of our greatest triumphs, I tell you. We still think we were right."

The issue in this case was whether the white pages in a telephone book were copy-rightable [633 F.Supp. 214 (D.Kan. 1987)]. Feist Publications was developer of telephone directories throughout the Southwest

covering a wide general area. They made much money off their publication through the sale of advertising in their yellow pages, and they gave away their directories free. Normally, they purchased the right to use white pages from small telephone companies and combined them into the bigger, multi-county publications. Here, a local telephone company refused to provide Feist with the right to use its white pages. Both sides in this case recognized the economic importance of their positions and with able counsel they fought this case through the Tenth Circuit Court to the U.S. Supreme Court and back.

Judge Rogers' opinion in the *Feist* case, based on ample precedent, was that the telephone company's white pages were copyrightable. They had been produced through infinite and long-standing labor, hence the decision was based on the long-held "sweat of the brow" doctrine. When it was appealed to the Tenth Circuit Court it was affirmed in a unanimous, unpublished opinion. When appealed again to the U.S. Supreme Court, the decision was reversed, holding that white pages of a telephone directory could not be copyrighted. The Supreme Court held that creative action, rather than simply compiling a list of telephone names and numbers, was required to obtain a copyright. This decision resulted in telephone white pages being used free by Feist and other such companies.

Interesting to Judge Rogers because of the caliber of the attorneys who came in to try the case was *Palmer News, Inc., et al., v. ARA Services, Inc., et al.* [476 F. Supp. 1176 (1979)]. Palmer News was a major wholesaler of periodicals and paperback books. It brought an antitrust action against the nation's largest wholesaler and various

national distributors for violation of the Robinson-Patman Price Discrimination Act and for other violations. After a long recital of antitrust legislation, related laws, and a review of similar cases, Judge Rogers granted "partial summary judgment" for Palmer News and denied "ARA's motion for partial judgment on the pleadings."

An early case in Judge Rogers' career was *John Martin Craig v. Wayne B. Colburn* [414 F.Supp. 185 (1976)]. Craig was a deputy U.S. marshal within a few years of retirement. Because of a drastic shortage of U.S. marshals in Detroit, Michigan, he was being transferred there and he did not want to go. So he sued the head of the U.S. Marshal Service. The case brought out the nature of the marshal service and that they were "just like soldiers." They could be sent anywhere. The Tenth Circuit Court affirmed this opinion and *Craig v. Colburn* became the leading case in regard to the U.S. Marshal Service.

Another early case, *Billy G. Greenwood, a minor child, et al., v. McDonough Power Equipment, Inc.* [437 F.Supp. 707 (1977)], was the first opinion of Judge Rogers to be appealed to the U.S. Supreme Court. This was a product liability case involving a lawn mower injury to a small boy. Opposing attorneys zealously defended their clients. The new Kansas comparative negligence statute came into play in this case. The jury found the parents at fault and it was appealed to the Tenth Circuit Court. There the decision of the jury was reversed, on the grounds that a juror had mistakenly answered a question during *voir dire*. It was appealed again to the Supreme Court, where a 9-0 decision held that a new trial was not automatically required because of the juror's response. On remand from the Supreme



A line-up of judges. Left to right: James Pusateri, Earl O'Conner, Arthur J. Stanley, Wesley Brown, George Templar, Frank Theis, Richard Rogers

Court the Tenth Circuit affirmed Judge Rogers' ruling and the results of the trial.

Five of the largest railroads in Kansas, the Atchison, Topeka and Santa Fe, the Union Pacific, the Chicago, Rock Island and Pacific, The Missouri-Kansas-Texas, and the Burlington Northern brought suit against Michael Lennen, the Secretary of Revenue of the State of Kansas, and other state officials [531 F.Supp. 220 (1981)]. This "action was instituted on complaints by various railroads against the state of Kansas for allegedly discriminating against rail transportation property in assessing and collecting taxes." Judge Rogers said, "This case came about because of valuation for tax purposes. The railroads were valued upon a state level and all of the other people in Kansas were evaluated by county appraisers or assessors. Actually [the people] were paying fair market value, we were paying about 8 or 9%, while the railroads were paying on the basis of 30%. We held that was the situation after the trial. Since that time they [the railroads] file a case every year,

but they've already agreed with the state about what their tax rate will be which will be comparable to what citizens who are not assessed on a state level would be. And we heard some good experts. And the federal government had to pass a law, [Railroad Revitalization and Regulatory Reform Act of 1976] . . . to keep the states from taxing the railroads out of existence. They had someone here [the railroads] from whom they could get money. So Congress passed a law and we had to apply it to this particular case. This was interesting because it had constitutional questions in it." In a lengthy opinion, which involved testimony from expert witnesses, the railroads would be assessed at rates comparable to that of other taxable property in the state.

The case of *Professional Investors Life Ins. Co. Inc., v. Louis J. Roussel, et al.* had an added interest to Judge Rogers because of the defense attorneys from Louisiana and the defendant Roussel, whose financial dealings have been the subject of much litigation [445 F.Supp. 444(1978)] and [528 F.Supp. 391 (1981)]. An Oklahoma company brought the action in Judge Rogers' court "seeking to recover damages from various defendants for their asserted roles." Judge Rogers first held that several nonresident defendants could be sued in Kansas because they were alleged to have participated in the fraudulent conspiracy. Later he denied the defendants' motions for summary judgment, in an allegedly fraudulent takeover of the Kansas insurance corporation. One of the defense attorneys for Louis Roussel, a defendant and a multi-millionaire from Louisiana, approached the court when the trial was about to begin. He wanted to settle. When Judge Rogers told him that there were many other defendants here and that

the jury was empaneled to hear their case, the attorney said he wanted to settle for all of them. He said he could have the money, an amount between a million and a million and one-half dollars, there that afternoon, and he settled in that way. Victory Life, a Topeka insurance firm, one of the companies involved, was later moved to Georgia.

During an era when high interest rates and burgeoning farm debt produced a large number of foreclosures of Kansas farms, one of Judge Rogers' cases was *Stanley Lee Matzke v. Federal Land Bank of Wichita* [61 B.R. 717 (D.Kan. 1986)]. In this case a Chapter 11 debtor "brought action under the Racketeer Influenced and Corrupt Organizations Act against lending bank and other defendants." The plaintiff charged that the "debt to bank was unlawful" and that the "debtor . . . did not receive money from bank when he obtained loan . . ." This case was based upon a mortgage obtained in February 1979, which had been in default since 1981. Foreclosure proceedings instituted in 1982 had been delayed by a variety of actions, culminating in filing of Chapter 13 and eventually Chapter 11 bankruptcy cases. Judge Rogers says, "we ruled that we had to cut through the technicalities," and decide this case. The Topeka *Capital-Journal* commended him in his actions for trying to "do away with frivolous things" and legal entanglements in an editorial after the case was decided.

An early case for Judge Rogers was the *Hiatt Grain & Feed, Inc., on behalf of itself and all others similarly situated, v. Hon. Bob Bergland, Secretary of Agriculture, U.S.A.* [446 F.Supp. 457 (1978)]. This was a complicated, class action suit against the Secretary of Agriculture which attempted to use the law requiring environmental impact

statements to frustrate proposed governmental regulations. First rate lawyers argued the case for each side.

There was a vast amount of material for the judge and his law clerks to consider. Judge Rogers' opinion held that: "(1) the administrative record was adequate to demonstrate that the actions of the Secretary were not arbitrary and capricious; (2) plaintiffs lacked standing to challenge the Secretary's failure to file an environmental impact statement; (3) no adverse environmental effects . . . were likely to stem from implementation of the regulations, and (4) no due process or equal protection violations would occur." This case was appealed to the Tenth Circuit where it was affirmed. It has been cited in later cases in other courts for various propositions that are contained therein.

Doris Stueve et al., v. American Honda Motors Company, Inc. was another products liability case that appeared before Judge Rogers early in his career [457 F.Supp. 740 (1978)]. It made use of the Kansas comparative negligence law and the 1975 amendment to the Kansas Wrongful Death Act. The plaintiff was the widow of Frederick Duane Stueve, a motorcyclist "who sustained fatal burns when his motorcycle, allegedly because of its defectively designed gas tank and tank lid, caught fire after colliding with an automobile at intersection." Summary judgment was denied, motion "to join, dismiss or compare fault sustained so far as consistent with opinion." The twenty-page opinion recognized that the driver of the car, an uninsured teenager, was an important ingredient in this case and that there was a need to evaluate the crashworthiness standard and "the 'second collision' aspects of this case." Although this case later settled, Judge Rogers' opinion upon the summary judgment

motion provided significant guidance to other courts regarding the application of the comparative negligence statute to a products liability case and the application of the crashworthiness theory in Kansas.

A case involving a Cuban who was part of the large-scale boat migration when Castro was emptying Cuban jails, was *Pedro Rodriguez Fernandez v. George C. Wilkinson* [505 F.Supp. 787 (1980)]. Fernandez, an “excludable Cuban refugee who was being detained in federal prison sought habeas corpus relief.” Four points were held by Judge Rogers: “(1) excludable aliens do not enjoy the panoply of rights guaranteed to citizens in alien entrance; (2) extended, indefinite confinement in federal prison of excludable refugee with no foreseeable deportation was unauthorized and abuse of discretion; (3) that detention was an evil from which the Constitution and statutory laws afforded no protection; but (4) the detention was in violation of international law as exemplified by the Universal Declaration of Human Rights and the American Convention of Human Rights.” Prior decisions held that persons physically entering the country in the manner in which Fernandez came, as a matter of legal fiction, had not entered the country and, therefore, enjoyed no constitutional protection. The government argued that it could imprison Fernandez indefinitely with no release date set. Judge Rogers decided to release Fernandez, basing much of his reason on international law. Much mail was received on this case, mostly negative. However, the Tenth Circuit affirmed Rogers’ opinion using different legal reasoning. Federal courts do not have a method of following a released prisoner, such as Fernandez, to see what happened to him. The *Parsons Sun* on Jan-

uary 3, 1981, commended “Judge Rogers’ Sound Policy.” This story mentioned that 1,800 Cuban refugees were detained in various federal installations. They reported that Rogers said, “you just cannot hold people without giving them a definite time for their release.” In another context he remarked, “you know, America has never been much on Treaties, We waited and waited before we adopted the Genocide Treaty.” Kansas Legal Services provided free legal aid to Fernandez. Presumably, Henri J. Watson, who worked for Fernandez, was providing pro bono representation.

Several unpublished cases decided in Judge Rogers’ court have to do with medicine for patients. One dealt with AZT, recommended by a doctor for an AIDS patient on Medicaid. This opinion held that Medicaid must cover the cost of the AZT. Another provided permission for a doctor to use Laetrile for a cancer patient. Editorials, as well as letters to Judge Rogers, commended him on this decision. One of the pro se law clerks wrote that the Judge could be counted on to side with the little man.

One of the most significant cases anywhere in the United States in the second half of the twentieth century is the case of *Oliver Brown et al. v. Board of Education of Topeka, Shawnee County, Kansas*. This case, along with cases from three other states and the District of Columbia, reached the United States Supreme Court late in 1952. The Kansas case was different in degree from the four other cases—Kansas had permissive segregation of elementary schools only for twelve cities of the first class.⁸ The other states and D. C. had compulsory segregation of the public schools. When these cases reached the Supreme Court, the *Brown* case involving segregation laws in Kansas was

placed first, thus this important Supreme Court decision has a unique tie to Topeka. The Supreme Court in 1954 decided these cases unanimously, ruling that “separate but equal” public education, permitted as a result of an 1896 decision, *Plessy v. Ferguson*, was unconstitutional.

Desegregation of the public schools was resisted in many Southern states, but in Topeka desegregation of its four all black elementary schools began even before the Supreme Court decision in 1954. Partially in response to school desegregation as well as to other factors, there was a decided “flight to the suburbs” in Topeka and in many other communities across the land. White families moved out of central cities leaving behind identifiable racially-minority schools. Efforts were made to install racial balance in public schools through massive busing of students, but still imbalances existed within school districts the size of Topeka.

The State of Kansas reorganized school districts in the mid-1960s and Topeka’s school district became Unified School District No. 501. By then successive boards of education for the district became less interested in spending taxpayers’ dollars in continuing efforts to eliminate racially-identifiable elementary schools. The fervor to eliminate all segregation in Topeka, which accompanied the 1954 Supreme Court decision, had disappeared.

In 1979, “Certain black parents and schoolchildren currently enrolled in Unified School District No. 501 moved to intervene as named plaintiffs in the historic *Brown v. Board of Education of Topeka* school desegregation case.” After the Supreme Court in 1955 required desegregation with all reasonable speed, the Topeka case had been deactivated in the Kansas District Court

and was never officially closed. No proceedings were held until 1979 when the plaintiffs sought to intervene and reactivate the case on the charge that the original command or mandate of the Supreme Court, to get rid of segregation, root and branch, had not been complied with. Judge Rogers had to decide whether to reopen the case or permit a new case to be filed. He opted for reopening the case since the 1955 (Brown II) Supreme Court decision had referred the five cases in the 1954 Brown decision back to the District Courts.

Judge Rogers decided that reopening the *Brown* case was the correct way to go, that he would look at this new set of charges through the original charges and the original intentions and handle the general issues in that way [84 F.R.D. 383 (1979)]. There was much comment in the press. It was front page news for Topeka papers. The *State Journal* had three stories beginning on the cover page. Judge Rogers said, “It is true that granting intervention in a case which has lain dormant for 24 years is an extraordinary measure. However, we do not believe it can be gainsaid that this is an extraordinary case presenting extraordinary circumstances.”⁹ The president of the school board was “not too concerned” with the ruling, while the coalition that was assisting in bringing the suit hoped “to see that USD 501 will achieve desegregated, unitary schools.”

According to Paul E. Wilson, in his discussion of the reopened case, “After seven years of pretrial motions, discovery, and other time-consuming and expensive preliminary proceedings, the resurrected *Brown* was tried over a period of three weeks in October, 1986.”¹⁰ Six months later Judge Rogers issued his opinion which stat-

ed that “vestiges of *de jure* segregation in city’s school district had been eliminated, though schools were not yet racially balanced, where district’s attendance zones were not segregatively gerrymandered and racial composition of schools was formed by demographic forces, uncontrolled by district.” [671 F.Supp. 1290 (D.Kan. 1987)]. The twenty-two page opinion examined the history of the case with contentions of the plaintiffs and the defendant. Whether illegal segregation remains was studied through location of school population, student transfer policy, optional attendance zones, use of portable classrooms, school closings and openings, location of schools and boundaries, nature of facilities, extracurricular activities, curriculum, transportation, faculty and staff, community attitudes and other factors. Judge Rogers held that district 501 had a racially unitary system and declined to intervene to fine-tune the desegregation process. He acknowledged that “Racial balance does not exist in the district’s schools. . . . Some schools have a significantly greater minority population than other schools.” These were not due to school policy or “covert intentional segregation,” but to “demographic forces, uncontrolled by [the school district which form] the racial composition of the schools.”¹¹

The decision was reported in the *New York Times*, where the attorney for the American Civil Liberties Union in New York, who handled the case, said the judge’s conclusion was “inexplicable, incredible, and inconsistent with prevailing law.”¹² The *Wall Street Journal* in an editorial under the title, “Topeka’s Redemption,” described the nature of the case and said that the opinion was based on “a good-faith effort to accommodate its minority students.” The conclud-

ing paragraph was, “Judge Rogers’ decision in the latest Brown case is consistent with Supreme Court judgments in the earlier Brown decisions. It is important to remember that the Supreme Court didn’t order racially balanced schools; it ordered school desegregation. While some of the black parents of Topeka are no doubt unhappy about their court defeat, they can take comfort in the knowledge that their children are being offered a comparable education to Topeka’s white schoolchildren. This, it seems to us, is testament to the overall success of America’s school-desegregation efforts.”¹³

Judge Rogers’ opinion was appealed to the Tenth Circuit Court. The appellate court’s first decision was made after Judge Rogers took senior status, so the remainder of the discussion of *Brown v. the Board of Education* will be left to Chapter VIII.

Similarly, the long-running cases against Governors Hayden, Finney and Graves, relative to Kansas prison overcrowding, extend past the assumption of senior role for Judge Rogers. These cases will be discussed in Chapter VIII.

During the course of his career on the bench, Judge Rogers has been forced on several occasions to examine Kansas statutes and determine if they passed constitutional muster. In two cases, *General Foods Corp. v. Priddle* [569 F. Supp. 1378 (D.Kan. 1983)] and *Committee for Accurate Labeling and Marketing [CALM] v. Brownback*, [665 F.Supp. 880 (D.Kan. 1987)], Judge Rogers considered two Kansas laws designed to protect the dairy industry. In *General Foods*, the plaintiff challenged the Filled Dairy Products Act, which prohibited filled dairy products from being sold in the state. A filled dairy product was one that resembled a dairy product but did not contain any dairy

products. The plaintiff contended that Kansas law violated the Equal Protection and Due Process Clauses of the Fourteenth Amendment of the U. S. Constitution. Judge Rogers agreed and declared the Kansas Filled Dairy Products Act unconstitutional. In *CALM*, the plaintiff, a trade association of food manufacturers and suppliers, challenged the constitutionality of the Kansas Artificial Dairy Products Act. This law had been passed in reaction to Judge Rogers' decision in *General Foods*. The Kansas Artificial Dairy Products Act required a product that was an imitation or substitute of a dairy product be labeled as an "artificial" dairy product. The plaintiff contended that the Kansas requirements were an obstacle to the accomplishment of the purposes of the federal food labeling laws and thus must be struck down under the Supremacy Clause of the U.S. Constitution. Once again, Judge Rogers agreed. He declared the Kansas Artificial Dairy Products Act unconstitutional after finding that the Kansas law was an obstacle to accomplishing the purposes of federal law.

In 1975, a book, *Reality Police: the Experience of Insanity in America*, by Anthony Brandt, was published by William Morrow and Company. Dr. Donald B. Rinsley was a central figure in this book and he sued the author and the publisher for libel, invasion of privacy and civil rights violations. This case was identified as *Donald B. Rinsley, M.D. v. Anthony Brandt and William Morrow and Company, Inc.* [446 F.Supp. 850 (1977)]. Admittedly, many of the references to Rinsley in the book were uncomplimentary. Three particular sentences were, "Rinsley's staff drove her crazy' and contributed to her death by neglect in her care and treatment." And "What does it take to put a stop to such a man? How many more children

must die?" The Judge determined that Rinsley, who was a director at the Topeka State Hospital and a nationally recognized expert in adolescent psychology, was a public figure and that he would have to prove malice towards him. His libel claim was dismissed as untimely, but the invasion of privacy claim survived summary judgment "because in Kansas false light privacy is recognized as a tort separate and distinct from libel for which no specific statute of limitations has been created, we conclude that the aforementioned two-year provision applies and that the privacy claim in this suit was timely filed." In spite of harsh criticism published in the book, which Rinsley could not accept, he lost his case.

Judge Richard D. Rogers' career before appointment to the judiciary was highly political. Nevertheless, he served on a panel of judges twice to reapportion congressional districts and once to decide on Kansas house and senate districts. These cases remain in manuscript and have not been published, because they apply only to Kansas and to the use of Kansas statutes. But, in these cases the panels have received high marks from both the Democrat and Republican parties for their even-handed work. Reapportionment was required following receipt of population figures for both the 1980 and 1990 censuses, and the loss of a congressional seat based on 1990 figures. The panels were most successful at drawing new districts made up of contiguous counties with no county being divided into two different districts. An effort was made, not always successful, to provide congressional districts that do not split counties, to keep all of the 105 counties in Kansas intact. Or if a county was put into two different congressional districts, there would be a minimum of disruption.

United States District Judges, on occasion, serve on a panel of appellate judges. Sometimes these duties are long ordained, at other times they come on short notice. Judge Rogers goes to Denver three or four times a year to serve on these appellate panels. On each Denver trip, a three-judge panel spends about three days each time deciding on opinions to whittle away at a caseload of about a thousand cases. On one trip to the Tenth Circuit in Denver, Judge Rogers was planning to take one of his law clerks, who mentioned that he would probably wear jeans and tennis shoes on the plane to Denver. The judge reminded him that as a rising young lawyer it's always "better to overdress than to underdress." The next day when they were ready to go to the airport, the clerk appeared overdressed in formal attire complete with top hat.

Judge Rogers' staff recognizes his ability to read and absorb vast amounts of condensed treatises, based on their widespread reading from law files, books, and journals. He uses spare moments to read and study cases settled in other courts in the Kansas District. He does all this in good humor, which brushes off on his staff. Unlike many other judges, Judge Rogers has allowed his law clerks to stay with him indefinitely.

Judges receive additional training through judicial conferences and seminars. Early after his appointment to the bench, Richard Rogers and William Randolph Carpenter, son of the William Randolph Carpenter who defeated Hal Harlan in his race for Congress in 1934, and a Shawnee County judge, spent two weeks at Harvard University in a special seminar for judges. Judge Carpenter was a Harvard graduate and his knowledge of the law school and the City of Boston provided an enjoyable time for Rogers.

During this first part of Judge Richard D. Rogers' judicial career, he continued to be honored by the people of Kansas in a variety of ways. He was on the University of Kansas School of Law Board of Governors and served as President. He continued to serve on the board of directors of the Kansas State University Foundation, formerly known as the Endowment Association. He served a four-year term on the board of directors of the University of Kansas Alumni Association.¹⁴ The Native Sons and Daughters in 1985 named him Distinguished Kansan of the Year. Also in 1985 he received an honorary Doctor of Humane Letters from Kansas State University. His citation included reference to his many services to his community and to his alma mater, including negotiating "the largest financial endowment that K-State has ever had—the Putnam Scholarships." He was recognized with an honorary life membership in the Washburn University Law School Association for exceptional and meritorious service to the Washburn Law School. He also served a term as president of the Topeka YMCA during its 105th year, and of the Kansas State Historical Society during its 120th year. He was president of the Tenth Circuit District Judges Association, 1984-1986, and in 1987 he began a six-year term as a charter member of the Committee on Space and Facilities, Judicial Conference of the United States. Sometimes he complained to close friends when he was asked again to give a speech or to serve as a master of ceremonies. Almost invariably, he accepts and he does an excellent job—new stories are marched out and proper illustrations are brought forward to serve the purpose of enlightening with humor.

The United States District Court system has a provision where a judge can take senior

status when his age plus years of service equals eighty. Judge Rogers announced his plan to assume senior status on January 1, 1989, just after his sixty-seventh birthday and after the completion of thirteen years of service as a judge. A reason for this move was to open the door for another U.S. District Judge in Kansas, to somewhat lighten the judicial load. In Rogers' estimation the Republican, the right party, was in the White House—Presi-

dent Reagan, who would be followed in several weeks by President-elect Bush. Judge Rogers hoped that Magistrate G. T. "Tom" Van Bebber would receive the appointment to the District Court, and it turned out that way, with Van Bebber taking a position in Kansas City, Kansas. Judge Rogers now shares the caseload in Topeka with more judges. But nothing else has changed in his approach to the job by reason of his senior status.

Chapter VIII

Senior United States District Judge Since January 1, 1989

When Judge Richard D. Rogers began work in 1989, everything was the same with one exception—he was now a Senior United States District Judge. Presumably, he had the power to choose lawsuits that he would hear, but he accepted every case that came before him. His staff was the same—several had been with him for almost a decade. The pace of work did not change. There remained that same old desire to improve his acquaintance with the law and his responsibilities as a federal judge.

For example, Judge Rogers attended all of the judicial seminars that have been available on law and economics. These seminars were funded by big U.S. industries and leading foundations who paid into a tax-free foundation, started by Emory University in Atlanta, and later taken over by George Mason University's Law School in Washington, D.C. There was criticism of this connection to private enterprise, but Judge Rogers agrees with the feeling that most circuit and district judges were at least thirty years outside the classroom and thus far behind on economics theory. An attraction of these seminars was the outstanding faculty from prestigious departments of economics. Also, many of these seminars convened in the pleasant surroundings of resort hotels, and were located all over the country.

There were also two long-running cases that were still under Judge Rogers' supervision, the regenerated *Brown v. Board of Education* case and the case against various Kansas governors relative to overcrowding in Kansas prisons.

In the *Brown* case, Judge Rogers ruled in 1987 that "vestiges of *de jure* segregation in the city's school district had been eliminated" although there were still schools not racially balanced within Topeka [671 F.Supp. 1290 D. Kan. 1987]. This ruling,

siding with the school board, brought an appeal to the Tenth Circuit Court where in a 2-1 decision the court's opinion reversed Rogers' decision. Two of the judges agreed in an 81-page opinion that there had been benign neglect of the school district's duty to desegregate student populations and there was a "clear pattern of assigning minority faculty/staff in a manner that reflects minority student assignment." This correlation was considered fatal to the school district's effort to show a lack of current ves-

tiges of *de jure* segregation. Topeka's school board then received the 154-page dissenting opinion from the circuit. One of the three judges held that his colleagues had usurped the fact-finding role of the district judge. Based on these majority and minority opinions, the school board could accept the court's decision, or appeal to the entire panel of judges in the Tenth Circuit or to the Supreme Court. Six weeks later the Tenth Circuit withdrew the opinion and vacated the decision.² Neither the Topeka district nor the plaintiffs knew where they stood on the issue.

A half year later, again by a 2-1 ruling, the Tenth Circuit reversed the district court decision. Then the defendants (the school board) asked for an *en banc* decision from all of the judges in the circuit. The result was a 5-5 tie defeating the appeal. Review by the U.S. Supreme Court was requested. The Court sent the case back to the Tenth Circuit to consider again in light of other decisions the Supreme Court had made on cases in Oklahoma City and in DeKalb County, Georgia. In DeKalb, for example, the court ruled that the school district was not responsible for the "demographic conditions beyond its control." In Oklahoma City, a prior finding that the school district had achieved unitary status was significant to the school district's decision to stop busing and return to a neighborhood school system.³

On reconsideration, the same panel of Tenth Circuit judges again held in favor of the plaintiffs in a 2-1 decision. The case went back to the Supreme Court for a review but it was turned down. [The U.S. Supreme Court accepts fewer than a hundred cases each year.] So the *Brown* case came back to the District Court in Topeka with a responsibility to focus on a remedy

for vestiges of segregation that were held to remain in the Topeka school district. In the meantime, the Topeka Board of Education learned that as losers in the case they were obligated to pay for "fourteen years' worth of plaintiffs' attorneys' fees."⁴

A Topeka *Daily Capital* editorial called Judge Rogers a "reluctant warrior" who had "initially ruled that Topeka didn't need a desegregation plan."⁵ Now he wanted to get the two sides together to come up with a common plan. But such goals are not always realized. Within two months, the defendants (the school district) came up with a plan, while the plaintiffs provided a different plan to solve the desegregation dilemma. The school board supported their new, expensive integration plan to build three 600-pupil schools by a narrow 4-3 vote.⁶ The law in this area favors desegregation plans adopted by school boards of education in good faith. On July 25, 1994, Rogers accepted the Topeka Board of Education's plan with modifications, some inspired by the plaintiffs in the case. Topeka's school operations had never provided massive busing to create racially balanced schools, and large-scale busing was not in the character of the newest plan. In 1995, this plan is being put into operation—to close some schools and to build three new larger schools, two of which are slated to be magnet schools. It appears easier to provide more racial balance in large schools than in smaller, neighborhood schools. Once this plan is fulfilled and the student population in Topeka's elementary schools meets established racial guidelines for several years, the court can hold another hearing to evaluate the results, with a variety of options about what comes next. Thus far, the plaintiffs have neither accepted the school board's plan, nor have they appealed

the court's decision. However, they have watched the operation of the plan closely and they have ongoing opportunity to either object to or provide input into the plan.

The school board's plan is more expensive than the plan put forward by the plaintiffs, which asked for controlled choice in school attendance and did not provide for new school construction. The school board plan provides for magnet schools to be created on a neighborhood base. The programs there are hoped to be so attractive that they will draw students from throughout the school district who will be bused to the magnet schools. A survey taken by the board indicated that many white students from outside the neighborhood would attend such a school. The board's plan projects an image that will allow most students to get the school they want, and they expressed the hope that the community favored that proposal. A newspaper suggested that the school board's plan was the "Best of both worlds." Eight elementary schools would be closed, one new traditional school would be built along with two new "state-of-the-art magnet schools: one specializing in computer science and another focusing on science and fine arts," making the change "one of the best things to hit Topeka education in years."⁷

In the *Brown* case the bill for attorneys' fees, an amount of \$1.1 million, was first presented in August, 1993. In 1994 another \$300,000 was added to the request. Judge Rogers ruled early in 1995 that plaintiffs' attorneys would be compensated on the basis of local rates and that some travel costs, expert witness fees, and overhead expenses would not be charged to the school district. Thus, a figure of \$521,571.97 was permitted and that could be obtained by an automatic tax levy on property in USD 501, based on

the Kansas Tort Claims Act.⁸ An earlier school board offer to pay \$330,000 was far different from the \$1.4 million requested and far closer to the court's ruling.⁹

The U.S. Supreme Court, by a vote of 5-4, ruled in June, 1995 on a case involving Kansas City's magnet school program. There a federal court had required the State of Missouri to pay part of a costly Kansas City desegregation plan designed to produce higher staff salaries and a quality education program. The Supreme Court held that court-ordered desegregation plans could be ended even if minority students' test scores haven't reached national levels. Earlier, Judge Rogers had ruled in the *Brown* case that inequality in academic achievement was not a vestige of *de jure* segregation in Topeka. Plaintiffs did not appeal this finding. Judge Rogers also held that the publication of test scores by race and school was "not essential for a constitutionally valid desegregation plan."¹⁰ Whether the Kansas City decision affects the *Brown* case will be an issue for the future.

Shortly after Judge Rogers was appointed to the bench, he took Governor Robert F. Bennett on a tour of federal and state prisons in Kansas. Conditions were abysmal. Rogers recalled that when he was in the state senate, he and Senator Wint Winter tried to help prisoners at the State Prison in Lansing. Inmates in solitary confinement had no windows, so the legislature got the prison officials to cut doors to enable those prisoners to get to the fenced yard. That building was later closed and prison conditions in Kansas have greatly improved. Few Kansas prisons in 1975 could meet the standards required for certification by the American Correctional Association. By the late 1970s, a class action suit was filed in Judge

Rogers' court claiming that Kansas was violating Amendment 8 of the U.S. Constitution, because of overcrowding.

As Kansas governors have changed, this case involving Kansas prisons has evolved with new plaintiffs and new defendants. When it was known as *Arney v. Finney* [766 F.Supp. 934 (D.Kan. 1991)], this case, like earlier and later cases, was under federal injunction. Shortly after Governor Bill Graves was inaugurated, Dick Rogers was a master of ceremonies and he introduced the new governor to a crowd. He discussed one of the campaign slogans Graves had used. It was a desire for fiscal conservatism, to "load them high and tight" that harkened back to Graves' growing up days when he helped his dad load trucks for Graves Truck Line. Rogers admonished the governor "not to 'load them high and tight' in the state prisons. That's what got Kansas into trouble with the federal courts."

The class action case against the State of Kansas, because of the condition of its prisons, called *Porter v. Graves* by 1995, has been pending since 1977. Counsel was appointed, the case was certified, and it reached the settlement phase in 1980, in a consent decree, with a number of changes to be made in Kansas prisons. The case was reopened in 1988 when it became apparent that the provisions of the consent decree were not being followed. Hearings were held regarding conditions in the State Prison at Lansing, and at other places because many of the Lansing prisoners had been transferred to newer institutions such as Ellsworth, or to Hutchinson. Since that time newer facilities have been constructed at El Dorado, Norton, Stockton, and Topeka. Hearings continue to be held regularly. Often the prison authorities ask for permis-

sion to enlarge court-ordered operating capacities because facilities have been renovated to house more inmates. Another alternative is double-celling, which by its nature is not unconstitutional. But in some cases the cells are so small, or the confinement is so restricted, that they do not meet the minimum standards of the American Correctional Association, which parties have agreed to follow.

In 1989, in response to Judge Rogers' orders, the Kansas legislature sought to deal with prison overcrowding by developing sentencing guidelines and expanding eligibility for parole. The Department of Corrections also made it easier for inmates to satisfy program requirements, such as drug or alcohol counseling, for parole. After some initial success, convictions surpassed previous estimates and prison populations again pushed against the capacity limits. By 1995, a quick solution to this long-pending problem of overcrowding in Kansas prisons was not apparent.¹¹

"Administrative segregation" also has become an issue in the mid-1990s. How are prisoners dealt with when they are granted protective custody, or are being investigated for a disciplinary problem or have a health problem?

Since the prison case was filed, the political wind has shifted in favor of removing federal district judges from a role that interferes in state prisons. New legislation limiting the power of federal courts in this area raises new issues for Judge Rogers' consideration. Also, since Judge Rogers' decisions in the prison case, he has been showered on a daily basis with letters, requests, and petitions from inmates which must be evaluated by the Judge and his staff.

Another long-standing case in Judge Rogers' court was *Louis L. Frydman v.*



John Carlin and Dick Rogers

Department of Justice [760 F.Supp. 193 (D.Kan. 1991)]. This case required Judge Rogers to examine, *in camera*, secret documents which the plaintiff wanted the government to divulge under the Freedom of Information Act. The plaintiff was a Polish-American University of Kansas professor who returned to Poland to study. Judge Rogers decided that information regarding some of the documents should be disclosed but that the full text of the documents should not be divulged because it might reveal information gathering practices important to national security.

Following these decisions, a lengthy battle ensued over attorney's fees. Because the plaintiff prevailed only on matters of personal importance to the plaintiff, the plaintiff's motion for attorney's fees was denied. In 1995 the Tenth Circuit affirmed this ruling of Judge Rogers.

The Comprehensive Drug Abuse Prevention and Control Act was the basis for the case, *United States of America v. One 1987*

FORD F-350 4 x 4 Pickup [739 F.Supp. 554 (D. Kan. 1990)]. This law was created to penalize convicted drug dealers, in addition to their prison sentence. Some of their wealth gained in their illegal trade would be forfeited under this law. The court held that a truck used to travel to a motel to sample marijuana and to negotiate a purchase was subject to forfeiture, even though no controlled substance or money was carried in the vehicle.

A Tenth Circuit Court case, with Judge Rogers "sitting by designation," was the *United States of America v. Robert Lee Hager* [969 F.2d 883 (10th Cir. 1992)]. The significance of this case was a separate criminal penalty for using a firearm during or in relation to drug trafficking. Hager had several weapons hidden in his apartment, though he did not use them when he dealt drugs. Other circuits had taken a broad definition of the word "use." Rogers, writing for the panel, held that it was not necessary to point the weapon at someone while dealing drugs. The fact that weapons were available was sufficient to constitute a violation of the statute and add five years to Hager's sentence. His conviction and sentence were affirmed.

The broadened "use" of weapons available has produced additional problems for people who grow marijuana on farms. Most farmers keep a shotgun or a small-bore rifle in the house or barn for other purposes. But a firearm in the vicinity generally leads to an additional five years on a marijuana growing conviction.

The *Laughinghouse* case involved the alleged abuse of Glenda M. Laughinghouse by her supervisor, Jerry Risser [754 F.Supp. 836 (D. Kan. 1990)] and [786 F.Supp. 920 (D.Kan. 1992)]. This case was unusual in that plaintiff raised an "outrage"

claim under Kansas tort law and that claim was permitted to go to a jury. The jury found in the plaintiff's favor. After an appeal was filed, the case settled.

The tort of "outrage" is severely limited in Kansas courts. The *Laughinghouse* case is one of the few outrage cases to go to a jury. Generally, the courts have dismissed outrage claims based on various problems that arise in an employment setting.

When the Golf Course Superintendents Association of America sued Underwriters at Lloyd's, London [761 F.Supp. 1485 (D. Kan. 1991)], they were seeking indemnification because of a discharged employee. That employee claimed he was fired "in retaliation for having filed 1981 action against the insured." The fired employee sued and collected \$50,000 from the Association in the early 1980s.

Lloyd's and the Association filed cross motions for summary judgment. Judge Rogers held that the "insurance contract's definition of 'wrongful act' did not include intentional conduct" such as disparate treatment on the basis of race. So, he held for the insurance company.

In *United States of America. v. Ray A. Gresset, James E. Savage and R. J. Fellows* [773 F.Supp. 270 (D.Kan. 1991)], the defendants persisted in requests for a change of venue back to their native Texas. They suggested on several occasions that they could not get a fair trial in Kansas. The three Texans were charged with bank fraud in obtaining loans from the failed Peoples Heritage Federal Savings and Loan Association. Three bank officials there had already pled guilty to similar charges.

Motions by both the federal prosecutor and the defendants' attorneys in this case were extensive. The three Texans were convinced

that the government had committed prosecutorial abuse during pretrial matters before the grand jury. Their attorneys filed numerous motions that questioned their clients' ability to get a fair trial in Kansas. Despite their fear of being prosecuted in Kansas, the defendants were acquitted by a jury.

Kansas, like most states, has restricted the eligibility of small, often single-issue parties, in the use of the election ballot. Kansas law required that nominating petitions "be filed at least 91 days prior to the election." That filing day is the day before the party primary elections.

Dr. John Hagelin was the belated presidential candidate of the Natural Law Party in 1992. Hagelin, a professor of physics at Mahareshi University, Fairfield, Iowa, challenged the Kansas law. He argued that the Kansas deadline was too far in advance of the election to allow third parties to produce a candidate. This case is identified as *Dr. John Hagelin for President Committee of Kansas v. Bill Graves* [804 F.Supp. 1377 (D.Kan. 1992)].

Judge Rogers determined that the Kansas law was constitutional. He rejected Dr. Hagelin's argument that third parties should have "filing deadlines after the Democratic and Republican national conventions." Judge Rogers concluded that voter education and administrative processing justified the filing deadline for third parties. This opinion was affirmed by the Tenth Circuit Court of Appeals.

In March, 1993, five corporations operating six nursing homes in Kansas and a trade association representing about 200 Kansas nursing homes, brought suit in Judge Rogers' court against the Kansas Department of Social and Rehabilitation Services claiming "their rights under federal law,

specifically the Medicaid program” [Case No. 93-4045-RDR]. The plaintiffs asked for a preliminary injunction against the reimbursement schedule under the Medicaid program. Under Medicaid, states establish rules which are reasonable and adequate to compensate efficient facilities caring for Medicaid-eligible persons. The plaintiffs argued that the defendants “failed to comply, for procedural and substantive reasons, with the Medicaid law.”

Judge Rogers considered whether the state had followed a reasonable procedure in determining the new Medicaid reimbursement rates or whether it had been arbitrary and capricious. Inflation rates in the early 1990s were high and greatly influenced the data produced in this case. Projected inflation of more than 5 percent was far higher than the 1 percent allowed by the state in repayment for Medicaid services.

Judge Rogers held that the defendants “did not engage in a bona fide finding process” to implement the new reimbursement rate. The preliminary injunction issued May 10, 1993 enjoined the defendants in certain ways, particularly concerning “the inflation factors of the reimbursement rate.” Later, Judge Rogers ordered a new reimbursement rate for the remainder of the fiscal year. The Tenth Circuit affirmed the issuance of the injunction.

In the case of *Flight Concepts Limited Partnership, Russell P. O’Quinn, Gilman A. Hill and The Skyfox Corporation v. The Boeing Company and Boeing Military Airplane Company* [Case No. 89-4173-RDR], Judge Rogers considered a complex civil case. Plaintiffs, whose contract with Boeing was terminated, alleged a variety of theories in support of their claim for damages in the amount of \$67,500,000.

The court heard extensive oral argument and received “a mountain of paperwork” supporting each side. Judge Rogers undertook the “herculean task” of reading and evaluating the material.

Russell O’Quinn was an experienced test pilot, aircraft designer and flight engineer who teamed with Gilman Hill, geologist and physicist, to form a firm known as Flight Concepts Limited Partnership. They designed a plane called the Skyfox and attempted to get several aircraft companies interested in producing it. In 1985, Boeing expressed some interest and a contract was signed by the parties. Boeing was to have worldwide rights to Skyfox and would pay a royalty of \$150,000 upon the sale of each aircraft over the next ten years. Slightly more than two years later, on December 27, 1987, Boeing sent a letter to O’Quinn terminating the license agreement in 60 days. No Skyfox had been produced.

In 1989, plaintiffs filed suit against Boeing alleging breach of contract and fraud. The plaintiffs sought \$67,500,000, charging that Boeing could have sold 450 planes in that period. Boeing denied the plaintiffs’ allegations.

In a lengthy opinion, Judge Rogers examined the contract and granted summary judgment to Boeing. He determined that Boeing had no obligation to produce any airplanes and had the right to terminate the contract at any time upon sixty days notice. He found no evidence of fraud. His decision was affirmed by the Tenth Circuit Court of Appeals.

The case of *Keen A. Umbehr v. Joe McClure, Glen Hiser and George Spencer* [Case No. 91-4081 RDR] was a consequence of Umbehr’s loss of a trash hauling contract with Wabaunsee County. Umbehr had a private trash hauling business and his

contract, signed by the County Commission, enabled him to haul trash in six Wabaunsee County communities. The contract was originally signed April 7, 1981, and “redone on February 11, 1985.” The Wabaunsee County Commission voted to terminate the contract in 1990, but they failed to notify the plaintiff in timely fashion. McClure’s term on the County Commission ended January 14, 1991, and the Commission on January 28, 1991—with the new commissioner—voted to terminate the trash hauling contract and they properly notified Umbehr.

Umbehr was an outspoken citizen of Wabaunsee County. He had publicly spoken out about “landfill user rates, the cost of obtaining documents from the county, alleged violations of the Kansas Open Meetings Act, and practices of the county road and bridge department,” to the commission. He also wrote letters or columns which were printed in some county newspapers. He held that his First Amendment rights had been violated and that termination of his contract was in retaliation for his words.

Upon defendants’ summary judgment motion, Judge Rogers concluded that the First Amendment “does not prohibit defendants from considering plaintiff’s expression as a factor in deciding” to terminate the contract. Independent contractors lacked the “First Amendment protections granted to government employees.” Ample precedent was found in Seventh Circuit and other circuit court rulings. Cases cited by the plaintiff did not fit the Wabaunsee County situation, where the loss of Umbehr’s county contract did not necessarily mean the loss of the six community contracts. In addition, the defendants were “entitled to qualified immunity from damages for any actions taken by them as public officials.” For an

independent reason, defendant McClure, who was not on the County commission when the contract was rescinded, received summary judgment, as did the other defendants. On appeal, the Tenth Circuit agreed with the qualified immunity holding but determined that Judge Rogers had understated the First Amendment rights of independent contractors. The Supreme Court has recently decided to review the Tenth Circuit’s decision.

On June 28, 1994, R. Rozier Sharp, Regional Director of Region Seventeen of the National Labor Relations Board, For and on behalf of the NLRB, filed suit against LaSiesta Foods [**Case No. 94-4111-RDR**] in Judge Rogers’ court. LaSiesta is a local Topeka company that produces Mexican food products. The NLRB sought “a temporary injunction” to restrain LaSiesta from engaging in certain acts and conduct pending final resolution” by the NLRB of “certain unfair labor practices and charges filed” against LaSiesta.

The case arose from the efforts of certain employees to organize the employees at LaSiesta Foods into a union. The company opposed unionization. The court ultimately denied the NLRB’s request for temporary injunction. The court found that both sides could resolve their differences in proceedings before the NLRB.

When the Frank Carlson Federal Office Building was constructed in the mid-1970s, there were some plans implemented for security for the federal offices and courts located there. For instance, there were locks installed on the door providing entrance to the corridor leading to the judges’ chambers and offices for the clerks and the secretary and library. Seldom were these doors locked and slight care was taken to lock internal

office doors. Public officials were more security conscious than their counterparts a half century earlier when the Topeka Post Office was built. It contained a federal Court House and adjacent offices for the judge off wide corridors that provided access to a large number of offices.

All of that changed in Topeka when Gary McKnight entered the federal building about 9:30 a.m. on August 5, 1993. McKnight was facing sentence in Judge Sam Crow's court for raising marijuana on a farm north-east of Topeka. His wife was also arrested in this case, and the presence of a firearm on their farm was expected to add five years to their sentences. McKnight's attorney, who was expected to defend him in court—had lost his license to practice. A Topeka newspaper in an opinion piece, headlined, "What was Gary McKnight thinking about? He thought he was getting a raw deal. He thought he got bum advice from a lawyer. He thought the justice system was a sham."¹² McKnight came into the building heavily armed—he was unchallenged until he got off the elevator on the fourth floor where he shot the guard and two people standing nearby. The guard was killed.

McKnight had wired homemade bombs into two of the family vehicles. One exploded near the Oskaloosa town square about 8:30 a.m. and the other, which he had driven to Topeka, began to explode and burn in the parking lot adjacent to the south side of the federal building. McKnight went along the atrium corridor, tossing bombs into offices and shooting extensively. He entered the clerk's office on the northwest corner of the fourth floor. He ignored the woman hiding under the desk when she said she had no gun. There the gunman broke out window glass and shot into the area in front of and

beside the building. About 10:00 a.m. the woman, hiding nearby, heard McKnight loading his firearms—then there was an explosion, apparently one of the homemade bombs went off. A severely injured McKnight then shot himself. But no one knew whether he was still alive.

Those in Judge Rogers' offices across the atrium were slow to find out about the gunman on a rampage. One of the law clerks had gone out and came running back in to get the other. He noticed that Gene L. Goldsberry, the guard, was on the floor and he thought he might have had a heart attack. They saw a marshal down below with a gun, who motioned them to go back inside. The door to Judge Rogers' office had been locked but they soon got inside. With Judge Rogers, who was watching the car on fire in the parking lot, they went into the library. Judge Rogers had telephoned his daughter, Tish, but was unable to reach his wife, Cindy. Cindy had heard about the shooting and was unable to reach Dick. The Judge kept trying to telephone the marshal's office, but the phones there were in use—a federal prisoner had been brought in that morning and the marshal thought there was an escape attempt in progress.

By late morning, long after the gunman had committed suicide, Judge Rogers and other judges had been escorted down a back stairway and across the parking lot into the basement of the county courthouse. More than a hundred highway patrolmen, FBI agents, members of a SWAT team, and other law enforcement personnel came into the federal building. Slowly, the building was checked out—about 4:25 p.m. McKnight was found dead. Ft. Riley bomb specialists deactivated or blew up remaining bombs. Evidence of the rampage was collected by late

Sunday. By Monday, federal workers in the first three floors of the Frank Carlson Building were able to return to work. It took somewhat longer to repair the extensive damage on the fourth floor. Since the attack, everyone entering the building passes through metal detectors similar to those used in airports.

Fourteen attacks on federal and state courthouses throughout the country in the previous twenty months brought increased security to Topeka. The bombing of the Murrah Federal Building in Oklahoma City in April, 1995 and subsequent threats to other federal buildings resulted in additional security personnel for the parking lots and garage. The times are far different from those associated with the older federal building across the street. The grim day, August 5, 1993, is remembered for its seven gripping hours when a gunman was thought to be rampaging in the Carlson Building in Topeka.¹³

Much more pleasant memories are those associated with the naturalization ceremonies held four times a year. This is a duty shared in the 1990s by all district court judges in Topeka. Because personnel at Ft. Riley and in nearby universities have many overseas ties, there are many persons every three months to be sworn in as citizens. The U.S. Immigration Service seems interested in having a quicker administrative way of handling naturalization. But thus far, the impressive federal courtroom setting has been used. In Judge Rogers' court there has always been a speaker and a singer, and both of them usually adopt a patriotic theme. A naturalization officer asks each person seeking to take the oath to rise and tell where he or she comes from, and local patriotic agencies, such as the Daughters of the American Revolution, the Boy Scouts



Cindy Rogers with her daughter Katie Conklin and her son Kenneth Conklin. Katie is holding Hershey, the family's cocker spaniel.

and the Girl Scouts, pass out flags. Judge Rogers keeps track of where the new Americans come from, and Asian nations, particularly South Korea and the Philippines, have provided the largest number of new citizens in recent years.

Dick and Cindy Rogers have many friends on the social scene in Topeka, across the state and across the nation. They are busy people. Dick arises early and usually goes to the YMCA to swim and then eats breakfast with friends before going to the office. Lunch is with judicial or lawyer friends and almost always he wants to eat

dinner at home with Cindy. Both of them continue to volunteer with various groups created for Topeka or statewide or national organizations. Dick continues to serve on committees at the Y. In 1994-95 he served as president of the Kansas State Historical Society and was the society's official representative at meetings in the statehouse and in various activities all over the state. A final act as president was master of ceremonies at the new Kansas Research Center dedication in October, 1995. Both Dick and Cindy are members of the First United Presbyterian Church in downtown Topeka. Cindy has been an elected deacon at the church. Recently, when a minister resigned she was on the pastoral search committee at the church.

Cindy, the daughter of Bill and Clarice Tilson, graduated in teacher education at Washburn and taught middle school in Topeka. Later she took additional coursework in vocational home economics, and she used that and her special skill in working with the severely disabled in job placement for ten years. After her marriage to Dick Rogers she continued working until 1993 when her department at the Menninger Return to Work Center closed due to lost funding. Since 1993 she has volunteered at the Menninger Clinic. The Topeka *Capital-Journal* on February 2, 1995, cited Cindy as "Volunteer of the Week" and reported her many activities. These include founding the Job Placement Division of the Kansas Rehabilitation Association in 1985, where she served as president and continues as archivist. She was also on the Regional Great Plains Rehabilitation Association and National Rehabilitation Association boards. She received the Kansas JPD Outstanding Job Placement Specialist Award in 1987. Her contribution

to the severely disabled was nationally recognized in 1989 by being named to the National Distinguished Service Registry. She serves her college sorority, Kappa Alpha Theta, as a facility chairman and is on the Washburn Women's Task Force. She has been a facilitator of the Job Club of the Shawnee Community Mental Health Center. She is currently on the board for the Volunteer Center of Topeka and is a volunteer when the DAR helps with the District Court's naturalization ceremony.

Cindy Rogers travels with her husband when he goes to judicial conferences and readily she recites the locations visited. Cindy uses some of these trips to study her own family's genealogy. Sometimes it is the Rogers' family that is studied. On the trip to Boston in July, 1995 with Dick, side trips were made to check out both Cindy's and Dick's families.

One of the joys in knowing Dick Rogers is his continual and enduring curiosity. He is interested in what new books can tell him, and he enjoys formal instruction in an unfamiliar topic. After reading and receiving instruction, his greatest enjoyment comes from discussing the topics with others who he believes are more knowledgeable in that specialty. His discussion companions include Justice Harold Herd, Chief Judge Thomas Van Bebber, Chief Justice Richard Holmes, Justice Edward Larson, Dr. William Simpson, his law clerks and many other judges, lawyers and friends. He felt a great loss with the death of his friend, J. Robert Wilson of Manhattan, as Bob read many of the same books and liked to discuss their contents. Judge Rogers recalls that when he and Bob were establishing their law practices in Manhattan they audited history classes at Kansas State University.

After a United States District Judge takes senior status, as Judge Rogers did beginning on January 1, 1989, plans are made to get an official portrait painted. The next step is to have a ceremony honoring the judge and the artist, Mrs. Wilma Wethington. "The Presentation of the Portrait" is another occasion for ceremony in an institution that reveres ceremony. The date picked for this presentation was Friday, October 5, 1990, at 3:00 p.m. Mr. Ralph DeLoach began the proceedings with the traditional, "All rise. Hear ye, hear ye, hear ye" etc. Judge Earl E. O'Connor, Chief Judge, presided and after opening remarks he introduced Judge Tom Van Bebber who spoke at length. Judge Rogers makes friends everywhere, according to Van Bebber. "Following absorbing discussions ranging from the events of the day, politics, both local and national" the Judge would "visit with police officers, insurance men, salesmen, Santa Fe workers, and just about any John Q. Citizen that might be at hand. I never saw him in strange company. He is at home everywhere."

Van Bebber was followed by Robert A. Prentice, professor of business law at the University of Texas, who had been one of the first law clerks for Judge Rogers. Prentice testified that in his mind "he's always been Dick Rogers of Wamego, Kansas, and it's that humility, I think, that makes him the kind of person we want on the bench deciding the disputes that arise in our community." Prentice also recalled Rogers' advice to "temper the wind for the shorn lamb." By that he meant "when you've got a case where a plaintiff or a defendant is really going to take a licking, if you can, within the bounds of the law, try to give them a little something in that case to save their dignity, so even though they lose they don't go away embittered or destroyed."



Dick and Cindy Rogers

Then Judge O'Connor invited the current law clerks to unveil the portrait. Disaster struck in the form of a fist through a sham portrait—discussed extensively in Chapter VI. Judge Rogers was introduced and his role has been described earlier, except that he remembered, "That's the only time that's been done in America, I think, in a formal ceremony of presenting a portrait, but it was indicative of the light-hearted attitude we had." Judge Dale Saffels then spoke on behalf of the court in accepting the portrait to be placed in Portrait Hall outside the Courtroom. Judge O'Connor made a few closing remarks and the assembled group adjourned to the reception, sponsored by past and present law clerks, to the Top of the Tower in the nearby Bank IV Building.

Judge Rogers continues close ties with his three previous law clerks and visits with

them by phone or in person when he can. A projected reunion with all five of the law clerks in August, 1995 is considered a significant event. Five is a very small number of law clerks covering twenty years as a federal judge. Dick Rogers maintains that his law clerks have been the best in the federal system. All sorts of things have changed vastly since Richard Dean Rogers became a United States District Judge on August 7, 1975, yet much remains the same. Most of the cases cited in recently published judicial opinions in Dick Rogers' court are decisions that were made after he was sworn in as a United States District Judge. He and his law clerks keep current on changing interpretations of law. A big change since 1975 has to do with money. The annual salary for a beginning U.S. district judge in 1975 was \$43,000. A

beginning judge in 1995 starts out more than three times greater—\$133,000—although assuredly this is much inflated dollars over a twenty-year period. The sameness between 1975 and 1995 is the joy with which Judge Rogers approaches his daily tasks. He worked hard and long hours in 1975 and he has not changed in 1995. He may no longer play racquet ball or tennis, but he is still an active and energetic Dick Rogers at the age of seventy-three and one-half years. His stories still sparkle and they are stories that can be told in any company. His sayings, the accumulation of a lifetime, are borrowed by those he sees regularly. Richard Rogers acknowledges various mentors in his growing-up days. He has served the mentor role to many in his later years. He can still say truthfully, "I am Dick Rogers from Wamego, Kansas."

Footnotes

(Written sources were unavailable for many parts of the Judge Richard Rogers story. Willingly, the Judge provided the author with oral and written replies to his many questions.)

Chapter 1, Beginnings

1. Gene Smith, "Manhattan lawyer dons federal robe," *Topeka Daily Capital*, 8 August 1975.
2. Ibid.
3. State of New York, *Public Papers of George Clinton, First Governor of New York, Vol. III*, Albany: 1911, pp. 326-328. Copy of relevant pages in possession of Judge Richard Rogers.
4. Ibid.
5. Gregory Palmer, *Biographical Sketches of Loyalists of the American Revolution*, Westport, Conn. and London: Meckler Publishing, 1984, pp. 741-743.
6. Wallace Brown, *The King's Friends: The Composition and Motives of the American Loyalists Claimants*, Providence, Rhode Island: Brown University Press, 1965. Each chapter is about one of the thirteen states: chapter five concentrates on New York. The number of executed Loyalists in New York is on page 79; and scattered throughout the book for other states.
7. Victor Hugo Paltsits, editor, *Minutes of the Commissioners for detecting and defeating Conspiracies in the State of New York: Albany County Sessions, Vol. I, 1778-1781*, Albany: State of New York, 1909, 86-87, 89-90, 96, 102, 195, 211. Copy of relevant pages in possession of Judge Richard Rogers.
8. Ibid., and Palmer, p. 743.
9. Copy of Will of William Rogers, dated November 25, 1818, and probate granted April 23, 1820, and deed to David Shorey and William Rogers, Sept. 28, 1811, in possession of Judge Richard Rogers.
10. Trevor Lautens, "The Losers who made Canada," *The Loyalist Gazette*, Fall, 1994, p. 18. Another book by Wallace Brown is *The Good Americans: The Loyalists in the American Revolution*, New York: William Morrow and Co., 1969.
11. The United Empire Loyalist Association was "incorporated under the Revised Statutes of Ontario, 1897, Chapter 172" and assented to by King George V on May 27, 1914. The first purpose was "to unite together, irrespective of creed or political party, the descendants of those families who, during the American revolutionary war of 1775 to

1783, sacrificed their homes in retaining their loyalty to the British Crown; and to perpetuate this spirit of loyalty to the Empire."

12. "The Loyalists: Americans with a Difference," *National Geographic*, April, 1975, pp. 510-539. This article uses a figure of almost 100,000 Loyalists, who fled to Canada.

13. Archives Reel C22745, Ontario Archives Cabinet 1, Reel 247, "Murray: U.C. Land Petition R 115/22 - JOSEPH ROGERS." Copy in possession of Judge Richard Rogers.

14. Research paper entitled "William Rogers, Sr. (1708-1778), William Rogers, Jr. (d. 1820)," in possession of Judge Richard D. Rogers.

Chapter II, Growing Up in Wamego

1. Sanborn Fire Insurance maps for Wamego, 1885 and 1905.
2. Ibid. Inez Roberts Owen, compiler. *Welcome to Wamego, Kansas, 1866-1976*. Manhattan, Kansas: Ag Press, 1977, p. 16.
3. Inez Roberts Owen, p. 16. Sanborn Fire Insurance maps for Wamego, 1885 through 1941. An early picture of this building with a handwritten "Wamego 1878" on it shows a wooden porch or awning which covered the sidewalk in front of the first story.
4. Inez Roberts Owen, p. 16.
5. *Kansas City Star*, June 11, 1939.
6. *Times Extra* (Wamego, Kansas), July 6, 1989.

Chapter III, K-State and World War II

1. *Kansas City Star*, October 30, 1940.
2. *Collegian*, November 1, 5, 8, 1940.
3. Later, Rex Lane Rogers graduated from the Air Force Academy, Colorado Springs. His sister, Eva Marie, also was in military service, where she graduated as a nurse.
4. One news story gave the date for Rogers' wings [in the air corps] and commission as June 9, 1944.

5. Fred H. Riley. *456th Bomb Group: 1943—Steed's Flying Colts—1945*. Paducah, Kentucky: Turner Publishing Company, 1994, p. 9.
6. *Ibid.*, p. 10.
7. *Ibid.*, pp. 44-45 lists all combat flights and losses of planes. A detailed synopsis of each flight, pages 10-43, provides information on successes and failures. Group members, missing in action, or killed in action, are listed on p. 65.
8. *Ibid.*, p. 23.
9. "Mouse Causes No Panic," undated clipping in Judge Rogers' file.
10. "P. I. Review," April 7, 1945, issued by 456th Bomb Group Photo Intelligence Officer.
11. Rogers' first air medal was awarded about the middle of December, 1944.
12. *Ibid.*, p. 7.
13. Major General N. F. Twining, commanding officer of the Fifteenth Air Force, *The Fifteenth Air Force, 1943-1945: A Summary of Its Operations and Results*. N. p., n.d., [reproduced by 941st Eng. Bn.] An unpagged pamphlet of 12 pages.

Chapter IV, Beginning a Law Career

1. Keith W. Olson. *The G. I. Bill, the Veterans, and the Colleges*. Lexington: University of Kentucky Press, 1974, pp. 18, 23, 24.
2. *Ibid.*, p. 43.
3. *Ibid.*
4. Sar A. Levitan and Joyce K. Zickler. *Swords Into Plowshares: Our G I Bill*. Salt Lake City, Utah: Olympus Publishing Company, 1973, p. 8.
5. Thomas N. Bonner, "The Unintended Revolution: In America's Colleges Since 1940." *Change*, September/October, 1986, p. 46.
6. Clifford S. Griffin. *The University of Kansas: A History*. Lawrence: University Press of Kansas, 1974, pp. 284, 610. Virginia Adams, Katie Armitage, Donna Butler, Carol Shankel, and Barbara Watkins, compilers. *On the Hill: A Photographic History of the University of Kansas*, Lawrence: University Press of Kansas, 1983, 1993, p. 103.
7. *Manhattan Mercury-Chronicle*, June 4, 1946.
8. Later all recipients of the LLB at the University of Kansas were retroactively awarded the degree, Juris Doctor. Twenty years after Rogers became a lawyer, there were 1,823 active lawyers in Kansas (1968). By 1995, the number was 9,737. Rogers was admitted to the Kansas Bar on September 5, 1947: his registration number was 3,763.
9. Beth Rogers kept a scrapbook primarily of Dick's activity as a public official. The Springer story is found there. Although the news clippings do not contain dates, they point out various activities in this portion of Dick's

career.

10. Harlan was the state senator, who introduced the legislation in the Kansas senate in 1947 to make "Home on the Range," the Kansas state song. Daniel Kelley reputedly wrote the music for "Home on the Range."
 11. Doyle Rahjes, "Epilogue, 'Until 2019: The Fourth Quarter'," in *Improving Rural Lives: A History of Farm Bureau in Kansas, 1912-1992*, by Thomas D. Van Sant. Manhattan, Kansas: Sunflower University Press, 1993, pp. 213-214.
 12. *Manhattan Republic*, August 25, 1956.
 13. The April 9, 1952 and October 24, 1956 stories were from the *Manhattan Mercury*.
 14. James C. Carey, *Kansas State University: The Quest for Identity*. Lawrence: The Regents Press of Kansas, 1977, p. 165.
 15. *Ibid.*, pp. 196-197.
 16. "L. Irene Putnam and The Kansas State College Endowment Association, a corporation, vs. The Order of the Holy Cross, a corporation," Case No. 11852, decided in the District Court of Riley County, Kansas, Oct. 6, 1954.
 17. *Manhattan Republic*, March 21, 1956; *Manhattan Mercury*, March 18 1956.
 18. *Manhattan Mercury*, March 24, 1957.
 19. *Manhattan Republic*, July 25, 1956.
 20. Rahjes, pp. 174, 214.
 21. An undated Farm Bureau information sheet in Beth Rogers' scrapbook.
- #### Chapter V, Nonpartisan and Partisan Politics
1. This chapter relies heavily upon letters and interviews with Judge Richard D. Rogers, and on the Scrapbook, containing newspaper clippings, pictures, and other memorabilia, collected by Beth Rogers.
 2. The municipal airport open house and dedication was on April 19, 1953, whereas the first Continental airline scheduled flight was April 6.
 3. *Manhattan Mercury-Chronicle*, August 7, 1952.
 4. *Ibid.*, October 28 through November 1, 1952.
 5. Beth Rogers' Scrapbook.
 6. *Ibid.*
 7. The Peace Memorial Auditorium was dedicated September 26, 1955. The members of the City Commission when Rogers was mayor were "honored guests" for the occasion. Dick Rogers spoke to the assembly on "Site Acquisition" for the new building.
 8. *Kansas Republican News*, Oct. 1963.
 9. *Manhattan Mercury*, August 25, 1964.

10. Beth Rogers' Scrapbook.
11. Ibid.
12. The nine members of the first Human Relations Board, a fine cross-section of the community, were: Harry Hicks, Ward Keller, Colene Kidd, Wayne Rohrer, Rix Shanline, Robert J. Smith, Nancy Twiss, Jesse Wilhoite, and Barbara Withee.
13. Copy of the four pages of remarks by Richard D. Rogers, mayor, to the "Organization Meeting, Manhattan Human Relations Board."
14. *Manhattan Mercury*, May 28, 1974.
15. Beth Rogers' Scrapbook.
16. *Manhattan Mercury*, April 12, 1987.
17. Haley's brother Alex Haley wrote the well-known book, *Roots*, which was adapted for a television movie. Haley's son was later in the Kansas House of Representatives.
18. Beth Rogers' Scrapbook.
19. Ibid.
20. *Coffeyville Journal*, April 25, 1971.
21. *Manhattan Mercury*, April 28, 1971.
22. Speech by Richard D. Rogers—two and one-half pages. *Topeka Daily Capital*, April, 1972.
23. *Manhattan Mercury*, January 4, 1973.
24. Homer E. Socolofsky. *Kansas Governors*, Lawrence: University Press of Kansas, 1990, pp. 12, 219-220.
25. *Kansas City Times*, January 14, 1975.
26. *Topeka Daily Capital*, January 19, 1975.
27. Ibid., February 12, 1975.
28. *Manhattan Mercury*, March 14, 1975.
29. *Topeka Daily Capital*, August 1, 1975.

Chapter VI, Music, Literature and Humor

1. This chapter draws heavily on Judge Richard D. Rogers files of letters, speeches, pictures and newspaper clippings.
2. "Presentation of the Portrait of the Honorable Richard D. Rogers," October 5, 1990, pp. 12-14.
3. Ibid., p. 16
4. Ibid.

Chapter VII, United States District Judge, August 7, 1975-December 31, 1988

1. *Manhattan Mercury*, October 4, 1983.
2. "Thursday Opinion, B.C."
3. Comments by Judge G. T. Van Bebber at the time of the presentation of the official portrait of Judge Richard D. Rogers, October 5, 1990.
4. *Topeka State Journal*, October 29, 1975.
5. Ibid., October 4, 1977.
6. *K-Stater*, September-October, 1983, p. 6.
7. Ibid., p. 5.
8. Paul E. Wilson. *A Time to Lose: Representing Kansas in Brown v. Board of Education*. Lawrence: University Press of Kansas, 1995. p. 207.
9. *Topeka State Journal*, November 29, 1979.
10. Wilson, p. 225.
11. *Topeka Capital-Journal*, April 10, 1987.
12. *New York Times*, April 10, 1987.
13. *Wall Street Journal*, April 16, 1987.
14. *K-Stater*, September-October, 1983. This issue of the KSU Alumni magazine featured, "Judge Richard D. Rogers: A Wildcat in federal court," with a cover picture and its lead article.

Chapter VIII, Senior United States Judge, Since January 1, 1989

1. *Topeka Capital-Journal*, June 6, 1989.
2. Ibid., July 22, 1989.
3. Ibid., April 21, 1992.
4. Ibid., June 22, 1993; *Kansas City Star*, June 22, 1993.
5. *Topeka Capital-Journal*, April 18, 1994.
6. Ibid., June 17, 1994.
7. Ibid., February 25, 1995.
8. Ibid., July 27, 1994.
9. Ibid., February 28, 1995.
10. Ibid., June 13, 1995.
11. Ibid., June 21, 1995.
12. Ibid., August 12, 1995. A special 12-page reprint edition of papers published about the McKnight affair was published in this issue.
13. Ibid.



Appendix A

Ceremony In Connection With The Installation

OF

Honorable Richard D. Rogers

AS

Judge of the United States District Court

FOR THE

District of Kansas

Proceedings in the United States District Court Room
Topeka, Kansas
August 7, 1975

P R E S I D I N G

Honorable Wesley E. Brown
Chief Judge

Oath of Office for United States Judges

I, RICHARD D. ROGERS, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as Judge of the District Court of the United States, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. SO HELP ME GOD.

Program

Opening of Court	
Invocation	Pastor John Graham First Presbyterian Church Manhattan, Kansas
Introductory Remarks	Chief Judge Wesley E. Brown Presiding Judge
Presentation of Richard D. Rogers . . .	Honorable Leonard O. Thomas Past President, Kansas Bar Association
Delivery of Presidential Commission . .	Honorable J. C. Tillotson Chairman of Judiciary Committee Kansas State Senate
Administration of Oath of Office	Honorable Delmas C. Hill Judge, United States Court of Appeals, Tenth Circuit
Presentation of Judicial Robe	Honorable George Templar, Judge
Remarks	Honorable Robert F. Bennett Governor, State of Kansas
Remarks	Honorable Richard D. Rogers
Adjournment of Court	



Appendix B

R E S T R I C T E D

HEADQUARTERS
FIFTEENTH AIR FORCE
APO 520

GENERAL ORDERS)

NUMBER 3567)

18 June 1945

E X T R A C T

SECTION I - AWARDS OF THE DISTINGUISHED FLYING CROSS AND/OR OAK
LEAF CLUSTER FOR THE DISTINGUISHED FLYING CROSS

Under the provisions of AR 600-45, as amended, and pursuant to authority contained in Circular No. 89, Headquarters MATOUSA, 10 July 1944, the Distinguished Flying Cross, in the categories as listed, is awarded the following named personnel, Air Corps, United States Army, position, date of act and residence as indicated, with the following Citation:

For extraordinary achievement while participating in aerial flight against the enemy in the Mediterranean Theatre of Operations. Throughout many long and hazardous combat missions against vital strategic targets deep in enemy occupied territory, though confronted by heavy enemy opposition from highly aggressive enemy fighters and intense and accurate anti-aircraft fire, the personnel listed below have consistently displayed outstanding courage, aggressiveness and intense devotion to duty throughout all engagements. With their aircraft frequently severely damaged by heavy enemy fire, these men have courageously remained at their stations, battling their way through to their targets to aid materially in the utter destruction of vitally important enemy installations and supplies. Headless of severe and adverse weather conditions encountered over rugged mountainous terrain and surmounting many other major obstacle that faced them during these hazardous missions, these men have gallantly engaged, fought and defeated the enemy with complete disregard for their personal safety and against overwhelming odds. The conspicuous and extraordinary achievement throughout these many missions against the enemy have been of inestimable value to successful combat operations and have reflected great credit upon themselves and the Armed Forces of the United States of America.

DISTINGUISHED FLYING CROSS

RICHARD D. ROGERS, O-512786, Captain, 744th Bomb Sq. 456th Bomb Gp, Manhattan, Kansas. Bombardier, Germany, 17 December 1944.

By command of Major General TWINING:

R. K. TAYLOR,
Colonel, GSC,
Chief of Staff.

OFFICIAL:
s/ J. H. Ivins



Appendix C

**Response by Judge Rogers
on being named the 1985
“Distinguished Kansan of the Year”
by the Native Sons and Daughters**

Mr. President, Governor Carlin, Mr. Parks, Other Distinguished Guests at the head table, Ladies and Gentlemen —

It is a great honor to be introduced by my good friend, the Governor of Kansas. My relationship with him is very much like the relationship George Burns had with Jack Benny. When George Burns was asked why he and Jack were such close friends, George said, “I tell Jack Benny that he is the greatest violinist in America, and he tells me that I am the greatest song and dance man in America. *We are great friends because we just don't lie to each other.*” In my case, I tell the Governor he is a great Governor, and he tells me I am a great Judge, and *we just don't lie to each other.*

It is also a great honor for me to be on the same platform with Gordon Parks, and I am surprised that he was not awarded both titles, as he is truly an authentic distinguished Kansan.

In reference to the award that I have just received, I am greatly honored, and the mere fact that I know it is *undeserved* does not detract from my enjoyment and pride.

Many thoughts pass through your head at a time like this. One thought is that God in his wisdom was kind and compassionate in sending many of my high school teachers,

college professors and early political associates to their eternal reward before this evening because, frankly, if they were present here tonight, the shock of this award to me might well have killed them right in this very room, and I would feel responsible. Many other people who are here this evening are surviving only by a high use of nitroglycerine pills taken in liberal quantities.

At the round table where I eat lunch, it was suggested that of the 40 nominees for this position, 39 were inmates of the state and federal prisons, and that even then a run-off was necessary for my selection. In fact, another friend just told me that when I was selected to be a judge, the lawyers did not expect much of me and I had fully lived up to their expectations. In fact, as a judge I was once introduced as a judge who had a sign outside his door which said, “This judge cannot be bought”, and that underneath this sign was another sign in small print that said, “See inside for leasing”. My mother motivated me toward college by saying, “Go to college, get the knowledge, stay there ‘til you're through. If they can make penicillin out of moldy bread, they can surely make something out of you.” My high school football coach once said that I didn't know the meaning of the word quit. My English teacher spoke up and said there were a lot of other words that I didn't know the meaning of.

Please do not think from these remarks that I have not received other honors. Only last year the Kansas Florist Association gave me an award and named me “the Kansan most likely to go to seed.” Two years

earlier, after I had certain stock market losses, the Kansas Plumbers Association designated me as the "Plunger of the Year." At my high school graduation I was named as the person whose forehead was the "most likely to recede." To my friends from the YMCA who are here this evening, let me say that I am very fortunate to receive this award, as *"it is difficult to soar with the eagles when you surround yourself with turkeys."*

Let me now tell you why I am so honored by this award. I am honored because it comes from the Native Sons and Daughters of Kansas. It comes from an organization that recognizes the greatness of the State of Kansas and is intent on perpetuating the history of the state. The old poem goes as follows:

Of all the states, but three will live in story;
Old Massachusetts with her Plymouth Rock,
Old Virginia with her noble stock,
And sunny Kansas with her woes and glory.

I believe that this poem refers to the fact that while most states were founded for economic and commercial reasons, Massachusetts was founded for religious liberty, Virginia for political liberty, and Kansas in the great crusade to make this nation free. Tonight we are in the center of the abolitionist cities of Lawrence, Topeka and Manhattan. We are 40 miles from the Beecher Rifle and Bible Church. We can be proud that Kansas has been blessed with a history unique in this nation. The first settlers came in the armor of crusaders to extinguish slavery and to right other wrongs that had grown up over the previous 200 years. These early motivations have carried forward, and ever since Kansans have rightly felt that they lived in a special state, were a special

people, and had an additional responsibility toward their state not felt by citizens of other states. Kenneth Davis in his book "A Portrait of Changing Kansas", mentions this special relationship and quotes one writer who said, "I have never met a Kansan anywhere whose heart was not buried in Kansas." Our great Senator John J. Ingalls in 1872, writing about another Kansan, said "that Kansas exercised the same fascination over him that she does to all who have ever yielded to her spell. There are some women whom to have loved once, renders it impossible to ever love again. So with Kansans." And so with the poor piece of clay you are now honoring.

It is a human propensity not to realize how good things are until they are past. Even if we do not presently realize it, we as Kansans and as Americans are singularly blessed. In Kansas we have strong churches, an outstanding educational system, and good, efficient and progressive government. In our nation we have a written Constitution that is the marvel of the world in its protection of individual rights, a bill of rights, a stable government and great opportunities to improve our positions in life. Most of us here this evening are products of the Kansas educational system, and we all recognize the importance of education. Our distinguished Kansan, President Dwight D. Eisenhower, said in 1955:

"In colonial Philadelphia there was a printer who was likewise a scientist, who was hailed as the wisest man of his day. In 19th century Illinois there was a rail-splitter who was likewise a lawyer, who was hailed as a champion of humanity. Education today can nurture for us the possibility of a thousand Franklins, and a thousand Lincolns in a generation

where before we were fortunate to have but one."

It is my firm belief that a person can secure as good an education in Kansas as can be secured anywhere in America. We are fortunate in the number and in the quality of our educational institutions. We are also fortunate that we have never had in Kansas the confrontations between the judicial and other branches of government so prevalent in other states. The reason for this is because Kansans have met their obligations in providing fair and humane treatment in prisons, mental hospitals and in other state services where compassionate handling is necessary. Once again, we have had honest, efficient and progressive government reflecting the wishes and morals of the Kansas people.

At this time in the history of Kansas, we should point out that "*we warm our hands at fires we did not build.*" This is simply a recognition that we all share to a great extent from the work and contributions of those who have preceded us. In Topeka, we reap the benefits of the foresight of pioneers

like Cyrus K. Holliday, the founder of the Santa Fe, or of the contributions made to our present citizens by the early planners of our parks and civic buildings. Washburn University is another excellent example. In Kansas, we reap the benefits of the contributions toward good government made by our pioneer settlers.

In conclusion, let me suggest that we have a duty to continue the work in progress. We need to emulate the actions of those who have gone before and to leave what legacy we can. Even if we cannot leave great financial contributions, we can, at the very least, provide service, cooperation, planning and leadership that will carry over in future years. Kansans are duty bound by history to do no less.

Finally, just because I have been somewhat flippant this evening, attribute it only to my inadequacy to really qualify for this award, and not to any lack of appreciation of your generosity in bestowing this high honor upon me. I thank the officers of this association and all of you who are present here this evening.



Appendix D

**REMARKS ON
GEORGIA NEESE GRAY
Native Sons & Daughters
of Kansas Banquet
January 29, 1988**

Homer Hoch, a distinguished Kansan, once said in discussing Abraham Lincoln, "What new can be said about Lincoln?" I now say, "What new can be said about Georgia Neese Gray?" Her name is practically a household word in the State of Kansas and particularly in the City of Topeka, Kansas where her civic endeavors are legendary.

However, acting with great caution, and in the event some person in the room duplicated Rip Van Winkle and missed the last 25 years of national and state history, let me briefly recount her outstanding career.

A graduate of Washburn University, she had a distinguished successful business career, and an exciting political career that culminated in her appointment as the first female Treasurer of the United States from 1949 to 1953. All of this was followed by her leadership in a succession of good causes including service as a Washburn Regent and in her recognition by this organization as a Distinguished Kansan.

Now her friends have honored her by the establishment of a nonprofit corporation which will each year provide the sum of \$500 to be awarded to the young person selected as the oratorical winner by a group of inde-

pendent judges. Georgia is here tonight to announce the first winner, and we will be privileged to hear the winning oration.

Let me close by giving some personal observations about Georgia. First, I believe she was a liberated woman long before women were truly brought into equality. She was there by the sheer force of her intelligence, her personality, her strength of character, and her natural drive to compete with all comers. Someone once said that when Georgia embarked upon an endeavor that she thought was fair and just, she would fight a buzzsaw to accomplish her goal. At these times, she made Carrie Nation look like a Caspar Milquetoast. She was a shining example of the old adage attributed to a man, which is, "There is only one way to fight a woman and that is with your hat—grab it and run."

My informant said that Georgia was always polite, courteous and diplomatic, but she was in charge. She asked for no quarter and gave none. Her motto and her actions call to my mind the motto emblazoned on the shields of certain Scottish nobles centuries ago, which read in Latin, "Nemo me impune lacessit" — "No one assails me with impunity."

She conveyed a feeling to others that they were dealing with fire. Once a decision was made, Georgia faced the consequences without fear. Here another Latin expression might convey her position. This would be, "Eat caude cum pele"—"Let the tail go with the hide." An old rural and ranch expression

that really means, "Damn the torpedoes, full speed ahead."

Ladies and gentlemen, I am not presenting to you an *indecisive* woman. She could take command and many times did so. Napoleon said that he would rather have an army of sheep commanded by a lion than an

army of lions commanded by a sheep. Napoleon would have been proud of Georgia, just as I am proud of Georgia. As you can tell, I like her, I respect her, I believe her life will someday be made into a movie, and I am honored to be allowed to present her to you this evening.

Appendix E

EULOGY TO WARREN W. SHAW October 1, 1992

As I look around this church and see all the friends of Warren Shaw assembled and see all the fine lawyers and judges who have known him for so many years, I realize that I am not the person best qualified for the assigned task. However, I still believe in the old adage that says: "Use the talents you possess for the woods would be silent if no birds sang except the best." Therefore, I will proceed.

Will Rogers once said that he had never met a man he didn't like. I can top this because in my experience, I have never met a man or a woman who did not like Waddie Shaw. Oh, what a delightful gentleman we were all privileged to know and love. Warren was a large man with a commanding physique and presence. Yet, in spite of his size and strength, he was extremely kind and compassionate. As you all know, Waddie had a delightful sense of humor. I enjoyed greatly his stories about London, England and the continent of Europe during the war years as he gave a history of a period that we hope never returns.

I once told him the story about a Farm Bureau meeting that I attended where a psychologist was speaking. He made the point that large men make very benign husbands. Sitting in the audience was a Farm Bureau field man, Willard Barry, who was about five feet one inch tall with a wife who

was at least five feet eight inches in height. Willard stood up, gained the attention of the speaker and said, "As far as I am concerned, large women make for very benign husbands."

On January 30, 1992, I received a letter from Waddie in which he said, "This afternoon I was going through my desk and ran across a few little gems which, if you do not have, you should have." Always the soldier, along with humorous war incidents he had included the speech made by General Patton to his men before they left for Normandy. It touched on fear and on death, and Waddie thought that it should be read by every young boy and girl in elementary school. It was similar to Reverend Peter Marshall's sermon to the graduating class at West Point during the war years where he offered the assurance of God's love and protection.

Warren Shaw's career covered a wide range of experiences. He was the epitome of Ralph Waldo Emerson's statement that "The years teach much that the days never knew." I once rode from Sun Valley, Idaho to Vail, Colorado with him, and he was a virtual encyclopedia about the State of Kansas, Shawnee County, the City of Topeka and its citizens, the good and the bad. He discussed a wide range of subjects from the bravery of certain police officers to the skill of many old-time attorneys. His long career as an athlete, a prosecutor, a capable lawyer and a political party official and candidate, made him a delightful companion. His unique war

experiences on the Eisenhower staff where he observed Eisenhower, Bradley, Patton, Montgomery, Smith, Spaatz, Vandenburg, Doolittle and Lemay, the great war leaders, gave him a historical insight that few men possessed. As a loving husband of a beauty queen wife, who was also very bright, and as loving father of two fine daughters, he was a family man without equal. Without appearing maudlin or without overstating the case, in looking back over his life and history, he is certainly one of the outstanding men that I have known, and in my view, only his great and good friend, still living, who I will not name, could match his career, his civic impact, his kind deeds and accomplishments. He loved life, the State of Kansas, Washburn University, the law, his family, and really all of humanity.

Most of the expressions of today that are familiar to us tie back in some way or another to William Shakespeare. From Hamlet and his "to be or not to be" paragraph we read that we will go to that "undiscovered country from whose bourn no traveler returns." On January 25, 1883, our great Kansas senator, John J. Ingalls, delivered a eulogy on the floor of the United States Senate to the late Senator Ben Hill of Georgia. Ingalls, a great thinker and one of our greatest orators, said, "Ben Hill has gone to an undiscovered country. All of us realize that every man is the center of a circle whose fatal circumference he cannot pass. Within its narrow confines he is potential, beyond it he perishes; and if immortality be a splendid but delusive dream, if the incompleteness of every career even the longest and most fortunate, be not supplemented and perfected after its termination here, then he who dreads to die should fear to live for life is a tragedy more desolate and inexplicable than

death."

Near the end of his life, Ingalls contemplated death with tranquility as we all should. He wrote:

"The clouds are steamy and still. The world is so lovely at its best and life so delightful that I dread the thought of leaving it. I have seen and experienced so little of what may be seen and known, that it seems like the closing of a volume of which I have only glanced at the title page. But so many are taking their leave and I have already survived so large a number of my contemporaries that I must contemplate my departure with the rest."

On the deaths of most of us, no poems will be written or sonnets composed. On the night of the death of Robert E. Lee, a heavy storm took place, and it was said,

"Throughout the night the Northern
Streamers
Flashed across the trembling sky,
Fearful lights that never beckon
Save when Kings and Heroes die."

At the death of Lincoln and his return to Illinois, the poet said:

"A lonesome train on a lonesome track,
Seven coaches painted black,
A slow train, a quiet train
Carrying Lincoln home again."

But, in the absence of poetry, I found in Warren Shaw the elements of greatness. In my eyes, he fit Emerson's definition of a great man, to wit:

"I count him as a great man, said the Sage of Concord, who inhabits a higher

sphere of thought into which other men rise with labor and difficulty; who is what he is from nature and never reminds us of others.”

Warren Shaw was cut from a singular mold. Warren Shaw never reminded me of others. He was an unusual person who, in my discussions with him, always came up with a unique and relevant thought that would have escaped me and others. I knew and admired him for many years but, no doubt, a far shorter time than many who have assembled here today to pay tribute to Warren and his family. I liked him and I think he liked me, but Warren liked everyone. We had similar views on government, legislation, law and golf. He was my loyal adviser and friend.

One of the best observers of Waddie, a long-time friend, told me, “I was close to Waddie for 40 years, and he was the most considerate person of other people that I ever met. He was a delightful fellow to be around and was one fine lawyer.” In the eyes of your speaker, this about says it all. Warren was a gentleman and a scholar.

As I said, Warren had a great sense of humor, and if I were pleading a case today for our great and good friend, who in his dealings with others was most thoughtful and kind, I would tell the story used by Abraham Lincoln in his plea for mercy from a jury for his client. Lincoln told about the old Indian Johnnie Kongapod, who prepared an epitaph for his tombstone in his own words. It said:

“Here lies poor Johnnie Kongapod,
Have mercy on him gracious God,
As he would do if he were God,
And you were Johnnie Kongapod.”

I will shortly conclude as Warren liked simplicity and did not stand on ceremony, and he would have liked best the words of Yeats [Yates], the haunted old Irish poet, who said,

“Never to be born is best
The ancient writers say,
But the second best is a gay goodnight
And quickly turn away.”

To all of us who still have responsibilities and duties, let's take to heart the quotation from Wyatt Cooper's *Families*. It goes:

“Life itself is brief, and yet each life encloses all eternity. We are, all of us, separately and together engaged on the same tough journey. Each of us alike tastes of its joys and its sorrows. Each of us gets by as best he can. And we must, whenever possible, reach out to each other, tentatively to touch, with our hands, with our eyes, and with our hearts. We must wish for each other love and laughter, smiles and sunshine, good thoughts and happy days. We must go rejoicing in the blessings of this world, chief of which is the mystery, the magic, the majesty and the miracle that is life.”

Warren Shaw was one of God's noblemen who did leave the world better than he found it, for he enriched the lives of all who knew him. His keen intellect and probing mind, his sensitivity, his appreciation of others, his sharp wit and his love of life made him unique among men. In his last days, no man demonstrated bravery more eloquently. He was an example for all of us and will remain so.

Robert Kennedy, at the 1964 Democratic National Convention, in his last tribute to the memory of his brother, President John

Kennedy, turned to Shakespeare. The same words fit well our departed friend. I quote:

“When he shall die take him and cut him out in little stars and he will make the face of heaven so fine that all the world will be in love with night and pay no worship to the garish sun.”

And so we leave Warren Shaw, his memory like a cloudless sky, his conscience like a sea at rest. His life was a life of triumph, and we now contemplate the monument of good deeds that he erected more enduring than the pyramids. And all of us, as we turn

to the silent and unknown future, can rely with just and reasonable confidence upon that most impressive and momentous assurance ever delivered to the human race, which is, “He that believeth in Me though he were dead, yet shall he live, and whosoever liveth and believeth in Me shall never die.”

And so I say, “Goodnight, Warren. We knew you well, and your memory will endure.”

Thank you all for joining me in this sincere but inadequate tribute to our departed friend.

Appendix F

Affiliations, Honors and Awards for Richard D. Rogers

Wamego High School, 1939; B.S., Kansas State University, 1943; J.D. University of Kansas, School of Law, 1947

Beta Theta Pi social fraternity; Phi Delta Phi legal fraternity

Topeka Bar Association, Kansas Bar Association, American Bar Association, American Judicature Society, Shawnee County Bar Association, Riley County Bar Association, Central Kansas Bar Association

World War II service in U.S. Army Air Corps, Commissioned 2nd Lt. in U.S. Army Infantry, May 15, 1943, transferred to Air Corps, early 1944, 1st Lt., Jan. 17, 1945, Capt., April 1945, awards, Air Medal, 1st Oak Leaf Cluster, 2nd Oak Leaf Cluster, EAME Theater with bronze stars for Balkan Campaign, German Campaign, North Appenines Campaign, Po Valley Campaign. Distinguished Flying Cross, June 18, 1945, Discharged, Sept. 4, 1945, Stayed in reserves, Retired, August 3, 1961.

Springer and Rogers, private practice, 1947-1956; (Taught Business Law, Kansas State University, 1947-51) Rogers and Stites, private practice, 1956-1959; Rogers, Stites and Hill, private practice, 1959-1975. Local Counsel for Manhattan Production

Credit Association, Manhattan Mutual Life Insurance Company, State Farm Mutual Insurance Company, Kansas State University Endowment Association, City Investment Company, Agri Research, Inc., Ohio Casualty Group, Board of Education of Manhattan, Randolph School Board, Farmers Insurance Group, Allied Mutual Casualty Company, General Counsel for Kansas Farm Bureau and Service Companies, First National Bank, Home Savings and Loan Association, Kansas State Bank, Leonardville State Bank, State Attorney for Farm Department, Metropolitan Life Insurance Company

Republican: precinct committeeman; county chairman; district chairman; chairman, of the Republican State Central Committee, 1962-1964; chairman of political campaigns of Governor John Anderson, 1962, Senator James B. Pearson, 1966, and Governor Robert F. Bennett, 1974. Riley County Attorney, 1955-1959; State Representative, 1965-1969; State Senator, 1969-1975, president of Senate, 1975. In nonpartisan elections, elected to Manhattan City Commission for two year term, 1951-1953 and served as Mayor of Manhattan, 1952-1953; elected to a four year term, 1961-1965 and served as Mayor of Manhattan, 1964-1965.

"Young Man of the Year," 1952, Manhattan Junior Chamber of Commerce; Kansas Day Club, president, 1958; Distinguished

Alumnus Citation, University of Kansas Law School, 1980; Honorary Life Member Award, Washburn University School of Law, 1983; Honorary Doctor of Humane Letters, Kansas State University, 1985; Distinguished Kansan of the Year, 1985, by the Native Sons and Daughters of Kansas; Kansas State University Foundation, Trustee and past president; University of Kansas Alumni Association, past director; University of Kansas Law School, past president and member of board of directors; Kansas State Historical Society, director,

member of executive committee and president, 1994-1995; 10th Circuit District Judges Association, president, 1985-1986; Charter member of the Committee on Space and Facilities, Judicial Conference of the United States, 1987-1993; Presbyterian; PTA; Kiwanis; Rotary; American Legion; VFW; Elks; Masons; Riley County Historical Society; Goodnow Memorial Museum Association; Manhattan Country Club; Topeka Country Club; Topeka YMCA, president; board member, Railroad Days Celebration.

Index for Biography of the Honorable Judge Richard D. Rogers.

A

Adams, John Harold "Hobbs", 33, 34
 additions annexed to city, 67
 "administrative segregation", 114
 affiliations, Appendix F
 Aggieville, 30, 34
 Agnew, Vice President Spiro, 82
 Ahearn, Athletic Director Mike, 31
 Ahearn Field House, 66
 AIDS, 105
 Albany Committee of Correspondence, 7, 9
 Albany, New York, 7, 10
 "All America Award", 67
 Alma, Kansas, 91
 Altoona, Pennsylvania, 2
 American Convention of Human Rights, 105
 American Correctional Association, 114
 American Revolution, 7
 Ames building, Manhattan, 55
 Anderson, Attorney General and Governor John, 73, 80
 Anderson Hall, 30
ARA Services: Palmer News Inc., et al., 102
 Army Air Corps, 38-50
 Army Air Corps Reserve, 49
 Army Corps of Engineers, 68
Arney v. Finney, 114
 Arthur, Charles, 53, 65, 66
 Artificial Dairy Products Act, 108
 Atchison, Topeka and Santa Fe, 103
 athletic injuries, 23
 atomic bombs drop on Japan, 49
 Atomic Energy Advisory Committee, 74
 attorneys' fees, 113
 Auburn, Kansas, 96
 Avery, W. B. "Barton", 66
 Avery, Congressman and Governor William, 59, 69, 90
 awards, Appendix F
 Ayers farm, 15
 AZT, 105

B

Bagley, Ed, 32
 Bahamas, 10

Bari, Italy, 39
 Barry, Willard, Appendix E
 Bascom, Lillian, 66, 70
 basketball, 21, 23, 24
 Battle of Bennington, 7, 8, 9
 Battle of Saratoga, 7, 10
 Battle of Yorktown, 8
 Bauer, Martin, 93, 95
 Bay Lake, Deer Wood, Minnesota, 55
 Beecher Bible and Rifle Church, 77, Appendix C
 beer, 20
 Beeson, Mrs. (7th grade teacher), 19
 Belfield, Virgil D., 19
 Bell, Fletcher, 92
 Bennett, Olivia, 92
 Bennett, Senator and Governor Robert F., 1, 82, 92, 93, 97, 113, Appendix C
 Benson, Page, 53
Bergland; Hiatt, 104
 Bermuda, 10
 Beta Theta Pi fraternity, 31, 52, 54, 63, 98
 Big Six Athletic Conference, 29, 33
 Biggs Field, El Paso, Texas, 38
 Bluestem Dinners, 91-92
Board: Brown, 105-107, 111-113
Boeing: Flight Concepts, 117
 bombing targets, 46-48
 Bond, Dick, 53
 books read, 17
 Boone, Fred, 55
 Boston, Massachusetts, 109
 boy scouts, 17
 Boyd, Verne, 66
 Bradley, Gen. Omar, Appendix E
Brandt; Rinsley, 108
 Brant, Joseph (Mohawk), 10
 Brauchi, Representative Tony, 91
 Brewer, Chet, 71
 Brighton, Lamberton County, Ontario, 6
 Brimelow, Peter (author), 10
 Brinkley, Dr. John R., 15, 18
 Brown, Hoyt, 49
 Brown, Judge Wesley E., 1, Appendix A
 Brown Memorial Scout Camp, 17
Brown v. Board, 105-107, 111-113
Brownback; CALM, 107-108

B-24 Bomber (Liberator), 39
 Bureau of Reclamation, 68
 Burgoyne, General John, 7, 8
 Burlington Northern, 103
 Bush, President George, 110
 Bussart, Ernest, 23

C

CALM v. Brownback, 107-110
 Camp Wolters, Texas, 37-38
 Canada, 8-9
 Canteen, The, 32
 car, learning to drive, 18
 Carlin, Governor John, 92, Appendix C
 Carnahan Creek community, 54
 Carpenter, William Randolph, Sr., 56
 Carpenter, Judge William Randolph, 109
 cars, Buick, 3, 14, Chevrolet, 29, Ford, 14, 16, 18, 53
 Carlsbad Caverns, 27
 Castellani, Alleen, 97
 Castro, Fidel, 105
 Catalina Island, California, 27
 catalogue of court opinions, 101
 Cerignola, Italy, 42
 Charlson, Sam, 66
 Chicago, Rock Island and Pacific, 103
 Childers, Edna (1st grade teacher), 6
 Christian, Jenette Parker, 1, 2
 Christian, Tim, 5
 Christian, Valentine "Vol", 1, 2
 Chrysler, Walter P., 13
 circus, 15
 citation, DFC, Appendix B
 city capital improvement plan, 78
 city government, Manhattan, 66
 Civil War Union army veterans, 2, 6, 9, 12
 Clardy Block, Wamego, 18
 Clinton, Governor George, 7, 8
 Cloud County, Kansas, 2, 5, 6
 Clyde, Kansas, 1, 2, 5, 6, 14
 Cochran, Owen L. "Chili", 33
 Coder, Wanda, 78
Coffeyville Journal, 79
 Coffman, Jack (newspaperman), 76
Colburn; Craig, 102
 Cole's Department Store, Manhattan, 29

- Colorado, 2
 Columbian Opera House, Wamego, 18
 Columbian Theater, Wamego, 20
 Colvin, Bill, 78
 combat missions, 43-46
 Committee on Flood Protection, 69
 Commonwealth Theaters, 34
 Comprehensive Drug Abuse Prevention and Control Act, 115
 computerization of court records, 101
 Concannon, Tish Rogers, 96
 Concannon, Jim, 96
 Concordia, Kansas, 2, 6
 Conklin, Cynthia "Cindy", 97
 Conklin, Katherine E., 97, 98
 Conklin, Kenneth E., III, 97, 98
 Consumers Bill of Rights, 81
 convocations, student, 32
 Conwell, John, 31
 Cooper, Wyatt, Appendix E
 Correll, C. M. 32
 Correll, Charles Joseph, 49
 Coss, Vernon, 5
 Craig, Tom, 49
Craig v. Colburn, 102
 Crane, Harry, 65
 Creighton University, 98
 criminal cases, 99
 Crow, Judge Sam, 119
 Cuban boat people, 105
 "curb service boy", 17, 20, 27
- D**
 Dallas, David, 35, 71
 Dallas, Jean, 78
 Daughters of the American Revolution, 10
 Davis, General Ben, 49
 Davis, Kenneth, Appendix C
 Decatur County, Kansas, 2-4
 decorations, 46-47
 decorations for 456th, 47
 DeKalb County, Georgia, 112
 DeLoach, Ralph, 94, 121-122
 Democratic party, 18
Dept. of Justice: Frydman, 114-115
 Dept. of Social and Rehabilitation Services, 116
 depression of the 1930s, 18
 Detroit, Michigan, 6, 102
 dial telephones, 29
 Dierdorff, Representative Arden, 87
 discharge from Army Air Corps, 49
 Distinguished Flying Cross, 46-47, Appendix B
 "Distinguished Kansan of the Year, 1985", 109, Appendix C
- District of Columbia, 105
 Docking, Governor Robert, 54, 79, 90
 Dodds, Margie, 25
 Dole, Congressman and Senator Robert, 59, 80
 Doolittle, Col. James, Appendix E
 Dresden, Kansas, 3
 Duncan, Dale, 65
 Duncan, Lawrence, 33
- E**
 Edwards, Ed, 23
 Eisenhower, General and President Dwight D., 69, 71, Appendix E
 Eisenhower, President Milton, 60, 71
 ElDorado, Kansas, 114
 Elk Creek, Cloud County, Kansas, 2
 Ellington Field, Houston, Texas, 38
 Ellsworth, Kansas, 114
 El Paso, Texas, 27
 Emerson, Ralph Waldo, Appendix E
 Emory University, 111
 Emporia State Teachers College, 33
 England, 10
 environmental impact statement, 104
 Ernestown, Ontario, Canada, 9, 10
 Evans, Ray, 53
- F**
 Fairbanks, Mary Rogers, 8
 fair housing legislation, 78
 family vacations, 81
 Farm Bureau counsel, 57, 62, 72
 Farmers' Union Store, Wamego, 5, 13
 Farrell, President Francis D., 36
 Faubus, Governor Orville, 100
Federal Land Bank: Matzke, 104
 Federal Land Office, Oberlin, 2
Feist Publications, Inc.; Rural Telephone Service Co., 101-102
 Fellows R. J., 116
Fernandez v. Wilkinson, 105
 Filled Dairy Products Act, 108
 Fink, Lori, 95
 Finney, State Treasurer and Governor Joan, 92, 107
 Finney, Deputy Sheriff Monty, 20
Finney: Arney, 114
 First National Bank, Manhattan, 72
 First National Bank, Wamego, 18, 22
 First Presbyterian Church, Manhattan, 56, 57, 59
 First Presbyterian Church, Topeka, 121
 Fitch, Laura S., 1
- Fletcher, Judge Arthur B., 83
Flight Concepts v. Boeing, 117
 Floersch, Bob, 31
 flood of July, 1951, 66
 fluoridation of city water, 67
 Foggio, Italy, 42
 football, 21-23, 33-34
 Ford, Vice President and President Gerald, 82, 83
 Foulston, Robert, 54
 456th Bomb Group (H), 744th Air Squadron, Fifteenth Air Force, 39
 Frank Carlson Federal Building, 98, 118-120
 Freedom of Information Act, 115
 Fribley, Representative Clyde, 87, 88
 Fry, Wes, 29, 33
Frydman v. Dept. of Justice, 114-115
 Ft. Benning, Georgia, 37
 Ft. Scott, Kansas, 86
- G**
 Gaar, Senator Norman, 92
 Gage, Walter Reed, 55
 Gates, General Horatio, 7
General Foods v. Priddle, 107-108
 George Mason University, 111
 Gibran, Kahlil, 94
 Glasscock, Terry, 78
 Golden Belt Highway, 14
 Goldsberry, Gene L., 119
 Goldwater, Senator Barry, 74-75
Golf v. Lloyd's, 116
 Gomez, Ralph, 95
 graduation; high school, 25; college, 37; OCS, Ft. Benning, 37; bombardier-navigator school, 38; law school, 54
 Graham, Mr. and Mrs. Harry, 23
 Graham, Pastor John, Appendix A
 Grand Canyon, Arizona, 27
 Graves, Secretary of State and Governor Bill, 107
Graves; Hagelin, 116
Graves; Porter, 114
 Gray, Georgia Neese, Appendix D
 Green, Dick, 78
 Green, George, 55
 Green Hall, 54
 Green, Prof. James W. "Uncle Jimmy", 53
Greenwood v. McDonough, 102
Gressett; USA, 116
 Gressett, Ray A., 116
 Grieves Cafe, 18, 20
 Griffith, Evan, 65
 Groesbeck, Arthur, 65
 Grout, Coach W. E. "Pee Wee", 21, 25

Grout, Mr. and Mrs. Wesley, 23
Gwin, Fritz, 33

H

Hackney, Elmer, 31, 32
Hagelin v. Graves, 116
Hagelin, Dr. John, 116
Hager: USA, 115
Haley, Senator George, 78
Haley, Will P. "Pat", 94, 95
Hamilton, Connie, 95
Hamilton, Ontario, 11
hangings in the American Revolution, 8, 9
Harbaugh, Merv, 32
Harlan, Hal, 56-57, 62, 65, 109
Harmon, Dr. Mary C., 37
Harvard University, 109
Hayden, Governor Mike, 107
Hayes, Representative John, 87
Haylett, Ward, 55
Heckler Block, Wamego, 13, 14
Herd, Justice Harold, 121
Herman Plesse Dry Goods and Groceries, 14
Hessians, 10
Hessin, John E., 55
Heywood, Ken, 60
Hiatt v. Bergland, 104
high school trip, 26-28
highway laboratory, 29, 31
Highways US 24 & US 40, 14
Hill, Senator Ben, Appendix E
Hill, Representative Clyde, 87
Hill, Judge Delmas C., 1, 17, Appendix A
Hill, Donald, 63
Hill, Dr. Howard T., 68
Hill, Randall, 63
Hiser, Glen, 117
Hi-Y, 25
Hoch, Homer, Appendix D
Holbrook, Arizona, 27
Holliday, Cyrus K., Appendix C
Holloman, Rev. Roy C., 88
Holmes, Chief Justice Richard, 121
Holmes, Justice Oliver Wendall, 101
Holton, E. L., 55
Home Savings and Loan Association, 55, 72
Homestead Act of 1862, 9
Honda; Stueve, 104-105
honors and citations, 109, Appendix F
Hook, Z. R., 66
horses, 60, 97
Hosick, Albany County, New York, 8
Hotel Jayhawk, 86

House of Representatives, 1965-69, 75
Howe, Harold, 66
Howe, Admiral Richard, 7
Hruska, Senator Roman, 83
Hudson River Valley, 7, 10
Huey, Dr. (dentist), 20
Human Relations Board for Manhattan, 76-78
humor, 85
Hutchinson, Kansas, 114

I

Iles, I. V., 32
in camera, 115
Ingalls, Senator John J., 73, Appendix C
Ingram, Russ, 93, 95
installation as judge, 1, 95, Appendix A
Isabella County, Michigan, 6

J

Jack, Lowell, 78
Jayhawk League, 22-24
Jeffrey, Balfour S., 76
Jennings, Kansas, 3
Jessup, Colonel Edward, 9
Johnson, Cindy, 95
Johnson, President Lyndon B., 75
Johnson, Mary, 7
Jones farm, 15
Jones, Capt. David, 9
Jones, George Robert, 15, 20-24, 49
Juarez, Mexico, 27
judicial seminars on law and economics, 111
Julien farm, 15
Junction City, Kansas, 14

K

Kaine, Blanche, 19
Kaine farm, 15
Kansas Bar Association, 1
Kansas City, Kansas, 110
Kansas City, Missouri, 4, 113
Kansas City Star, 17, 33, 86
Kansas constitutional change, 81-82
Kansas Day Club president, 73
Kansas Farm Bureau, (see Farm Bureau)
Kansas Highway Patrol, 4, 91
Kansas Power and Light Company, 76, 97
Kansas State College, 18, 28, 29
Kansas State Endowment Association, 60
Kansas State University, 88, 97, 98
Kappa Kappa Gamma sorority, 31

K-State Collegian, 30, 34
Kaul, Justice Robert, 1, 20
Kaw Valley State Bank, Wamego, 16, 51
Keller Cafe, 18
Kennedy, President John F., Appendix E
Kennedy, Robert, Appendix E
Kier, Charles, 33
Kimble, Sam, 55
Knecht, Ella, 18
Knostman's Clothing, Wamego, 19
Korean War, 35

L

laetrile, 105
Lake Champlain, 9
land grants to veterans, 9
land losses, 9-10
Landoll Corporation, 100
Landon, Alf M., 20
Langvardt, Chris, 33
Lansing, Kansas, 114
La Junta, Colorado, 27
Larson, Judge Edward, 121
LaSiesta; Sharp, 118
Las Vegas, Nevada, 27
Laughinghouse v. Risser, 115-116
law office relocations, 63
law school, 28
Leavenworth prisons, 100
leave in Egypt, 49
leaves in Italy, 48
Lecompton University, 54
Lee Overall Company, 2, 15
Lee, Robert E., Appendix E
legal business, 72
legal training in past, 53
LeMay, Gen. Curtis, Appendix E
Lennen, Michael, 103
Leonardville State Bank, 72
Liberal, Kansas, 74
Lincoln, Abraham, Appendix E
Line, Charles W., 49
literature, 85
Lloyd's; Golf, 116
Los Angeles, California, 27
Louisiana, 103
loyalists or tories, 7, 9, 10
Lupfer, Dave, 31
Lyle, Rachel, 95

M

Magdalen (cousin), 5
magnet schools, 112-113
Maharishi University, Fairfield, Iowa, 116
Maitland, Sir Peregrine, 11

Manhattan apartment, 55
 Manhattan, Kansas, 14, 18, 28, 29
 Manhattan Kiwanis club, 56, 66
 Manhattan *Mercury*, 76
 Manhattan *Mercury-Chronicle*, 34, 70, 72
 Manhattan Municipal Airport, 68
 Manhattan Music Club, 57
 Manhattan Mutual Life insurance building, 55
 Manhattan Mutual Life Insurance Company, 55-56, 72
 Manhattan Post Office, cornerstone, 76
 marriage, 54, 98,
 Marshall, Rev. Peter, Appendix E
 Marysville, Kansas, 1
 Mason, Harold, 34
 Massachusetts, Appendix C
 mayor, 1952-53, 67-68; 1964-65, 75
Matzke v. Federal Land Bank, 104
 McCain, President James A., 60, 67
 McCloud, Sarah E., 6
 McClure, Joe, 117, 118
McClure; Umbehr, 117-118
McDonough; Greenwood, 102
 McFarland, Kansas, 25
 McGill, Representative Pete, 87, 93
 McKnight, Gary, 119
 McLaughlin, Judge Lewis, 66
 McMillen, Janie, 29
 Medicaid, 117
 Memorial Day, Sunset Cemetery, 73
 Mesa, Arizona, 27
 Metropolitan Life Insurance Company, 72
 Michigan State College, 33, 34
 Miller, Emil, 31-32
 Miller, Howard S., 69
 Miller, Vern, Democratic candidate for Governor, 82
 Missouri-Kansas-Texas, 103
 Moll, Clyde, 17
 Monahan, Ashley, 66, 70
 Montgomery, Field Marshal Bernard, Appendix E
 Montreal, Quebec, Canada, 9
 Moore, Millard, 72
 Moore tract, 70-71
 Moreau, Dean Fred, 53
 Morgan, Ray, 86
 Morrill Land Grant College Act of 1862, 36
 Morris, Harry, 29
 Mount Dora, Florida, 35
 "mouse in bombsight", 44
 Mt. Pleasant, Michigan, 6
 Mundy, Larry, 95

Murphy Drug Store, 17
 Murphy, Joe, 18
 Murrah Federal Building, Oklahoma City, 120
 music, 85

N

Nation, Carrie, Appendix D
National Geographic, 55
 National Labor Relations Board, 118
 Natural Law Party, 116
 naturalization ceremonies, 120-121
 Nebraska, 2
 Nelson, Andy, 97
 Nelson, Cappi Rogers, 97
 Nelson, Douglas, 97
 Nelson, Ryan, 97
 New Brunswick, Canada, 6, 10
 Newport News, Virginia, 39
 New York, 8, 9, 10
 New York City, 10
 New York *Times*, 107
 Nichols Gymnasium, 30
 Nixon, President Richard M., 82
 "no fault" auto insurance, 81
 Norcatur, Kansas, 3
 Norton, Kansas, 114
 Nova Scotia, Canada, 10
 nursing homes and Medicaid, 117

O

Oberlin, Kansas, 1-4, 6, 14, 31
 O. B. Larson and Sons, Wamego, 20
 O'Connor, Judge Earl E., 80, 94, 121-122
 Odertal, Czechoslovakia, 46-47
 Oklahoma City, Oklahoma, 112
 Onaga, Kansas, 25
 Ontario, Canada, 6, 10
 opinions, 98
 O'Quinn, Russell, 117
 Order of the Holy Cross, 61, 62
 organist, First Presbyterian Church, Manhattan, 57
 Oskaloosa, Kansas, 119
 Otto, Henry, 65
 "outrage" and tort law, 116
 Owen, David, 100

P

Palace, The, 32
Palmer News, Inc., et al. v. ARA Services, Inc., 102
 Pampa, Texas, 27
 Park Hotel, Wamego, 14
 Parks, Gordon, Appendix C
 Parrish, Fred L., 32
 Parsons, Helen, 15

Parsons *Sun*, 105
 patriots, 7
 Patton, General George, Appendix E
 Pearl Harbor bombing, 35
 Pearson, Senator James B., 73, 79, 80
 People Heritage FSLA, 116
 Pines Cafe, 34
 Phi Delta Phi legal fraternity, 53, 54
 Philadelphia, Pennsylvania, 10
 Phillipsburg, Kansas, 2
Plessy v. Ferguson, 106
 political activity, 18
 political controversy, 65
 Porter, Dean, 31
 Porter, Judge A. S., 54
Porter v. Graves, 114
 portrait presentation, 121-122
 Pottawatomie County, Kansas, 13, 55
 Prairie National Park, 72-73
 Prentice, James L., 95
 Prentice, Leslie Granger, 95
 Prentice, Robert A., 93, 95, 122
 Presbyterian Church, Wamego, 14, 17
Priddle; General Foods, 107-108
 prison overcrowding, 113-114
 Probasco, Beverly, 95
 products liability, 102, 104, 105
Professional Investors, v. Roussel, 103-104
 promotions, Appendix F
 "public figure", 108
 public service and memberships itemized, 81, Appendix F
 Pusateri, Judge James, 103
 Putnam, Dr. Laurel Irene, 60-62

Q

Quakers, 7,
 Quebec, Canada, 9, 10

R

"racially unitary system", 107
 Racketeer Influence and Corrupt Organization Act, 104
 radio station KFKB, Milford, Kansas, 14, 15
 railroad, 2, 6, 13
 Railroad Days, 97
 Railroad Park, Wamego, 13, 16
 Randolph Field, San Antonio, Texas, 38
 Ratner, Governor Payne H., 26
 Ratner, Payne H., Jr., 54
 Ready, Robert, 54
 Reagan, President Ronald, 110
Reality Police, 108
 reapportionment, 108

- Reitz, T. Russell, 78
 relocations in Manhattan, 58-59
 relocations in Topeka, 96
 Republican candidate for county attorney, 72
 Republican county chairman, 65
 Republican district chairman, 65
 Republican National Committee-woman, 79
 Republican National Convention, San Francisco, 1964, 74-75
 Republican National Conventions, 97
 Republican party, 18, 56
 Republican precinct committeeman, 65
 Republican River, 5
 Republican state chairman, 65
 Reserve Officers Training Corps, ROTC, 28, 36
 resignation from Air Force Reserve, 73
 Rieger, Les, 78
 Riley County Memorial Hospital, 85
Rinsley v. Brandt, 108
Risser; Laughinghouse, 115-116
 Riverdale, Michigan, 6
 Robinson-Patman Price Discrimination Act, 102
 Rogers, Alexis "Alix", 97
 Rogers, Bernard, 32
 Rogers, Beth, 54, 57-58, 65, 74, 79, 82, 83, 85, 95-97
 Rogers, Cappi Christian, 59, 85, 86, 97
 Rogers, Clara Elizabeth Williamson, 2
 Rogers Clothing Store, Oberlin, Kansas, 2
 Rogers, Cynthia Conklin "Cindy", 98, 119, 120, 121
 Rogers, Eva Marie, 35
 Rogers, Evelyn Mae Christian, 1, 4, 14-19, 29, 37, 54, 58-59, 85
 Rogers, J. C., 18
 Rogers, John, 6
 Rogers, John (the martyr), 7
 Rogers, Joseph, 10
 Rogers, Josh, 97
 Rogers ladies ready-to-wear, Wamego, 29
 Rogers, Senator Larry, 97
 Rogers, Letitia "Tish" Ann, 59, 85, 86, 97, 119
 Rogers, Richard Kurt, 59, 96, 97
 Rogers, Marie Lane, 35
 Rogers, Martha Dreiling, 97
 Rogers, Mary White (Weith), 6, 8, 9, 11
 Rogers, Rex Lane, 35
 Rogers, Robert Rex, 4, 13-19, 28, 35-36, 59, 85
 Rogers, Sarah Benson, 6
 Rogers and Stites, 72
 Rogers, Stites and Hill, 63
 Rogers, Stites, Hill and Wilson, 83
 Rogers, Thomas, 6, 7
 Rogers, Trevor, 97
 Rogers, William, 9, 10
 Rogers, William Clark, 1-6, 13-15, 18-19, 29, 37, 58-59, 85
 Rogers, William John, (b 1681), 7
 Rogers, William John (b 1857), 2, 5, 6
 Rogers, William John, Jr., (b 1750), 6, 7, 9
 Rogers, William John (b 1708/9), 6, 7, 9
 Rokey, Ray, 33
 Roosevelt, President Franklin D., 18, 37
Roussel; Professional Investors, 103-104
 Roussel, Louis, 103
Royal Purple, 30
 Rupp, Clarence, 63
Rural Telephone Service Co., v. Feist Publications, Inc., 101-102
 Rust, Charles., 66
- S**
 Saffels, Judge Dale, 100, 122
 Saginaw Bay, Michigan, 6
 San Angelo, Texas, 38
 San Antonio, Texas, 35
 San Diego, California, 27
 Santa Fe Trailways bus, 26
 Saratoga, New York, 7
 Sauble, Pat, 31
 Sauers, Bobby, 20
 Savage, James E., 116
 Schenectady, New York, 6
 Schoeppel, Senator Andrew F., 74
 school board attorney, Manhattan, 72; Randolph, 72
 Schuyler, David, 8
 Schuyler, General Philip, 7, 9
 Scranton, Governor William, 74-75
 Schwandt Building, Wamego, 13
 Scotland, 7
 Scott, Debra, 95
 Seaton, Secretary of the Interior Fred, 72
 Seaton, Richard, Sr., 34, 55
 security, 118-119
 Security Benefit Life Insurance Co., 97
 senior status announcement, 109-110
 "separate but equal", 106
 sentences, 99
 Servicemen's Readjustment Act of 1944 (G.I. Bill), 51-52
Sharp v. LaSiesta, 118
 Shaw, Warren W., Appendix E
 Sherman Field, Ft. Leavenworth, Kansas, 49
 Silverstein, Thomas, 99
 Simpson, Dr. William, 121
 Skyfox, 117
 Smith, Representative Glee, 53, 88
 Smith, Prof. James Barclay, 53
 Smith, Representative Shelby, 91
 Smith, General Walter Bedell, Appendix E
 Smithfield, England, 7
 Snyder, Gene, 33
 Sons of the American Revolution, 10
 Sorel, Quebec, Canada, 9
 South Bend, Indiana, 1
 South Carolina, 8
 Spaatz, General Carl, Appendix E
 Spencer, George, 117
 Springer, Alvin R. (Rudolph), 54-56, 65
 Springer, Donald A., 55
 Springer, Jacob, 54
 Springer, Lucinda "Lula" L. O'Daniel, 55
 Springer, Mary Ellen, 55
 Springer and Rogers, 62-63, 72
 "stadium gang", 31, 34
 Stadler, Bob, 53
 Stanley, Judge Arthur J., 80
 State Senate, 1969-75, 79-83
 Stark, General John, 7
 Stark, Sharon, 95
 Steed, Colonel Thomas W., 40
 Stelzner, F. E. "Brownie", 17, 20
 Stevenson, Adlai, 69
 Stevenson's Department Store, Manhattan, 29
 Stewart, Bob, 15
 Stewart Funeral Home, 15
 Stewart, Mr. and Mrs. Glen, 23
 Stewart, Harold, 25
 Stewart, Helen Elizabeth "Beth", 6, 25-26, 31, 54, 85
 St. George, Kansas, 14
 Stites, John, 54, 60, 62
 Stites, Russell, 54
 St. James Episcopal Church, Wichita, 86
 St. Joseph, Missouri, 2, 92
 St. Lawrence River, 9

St. Marys, Kansas, 25
 Stockton, 114
 Stone, Eugene, 23
 Stones, Patricia A., 95
 Storey, Senator Robert, 92
 Stornara, Italy, 42
 St. Petersburg, Florida, 55
Stueve v. Honda, 104-105
 Surface, J. B., 54
 "sweat of the brow" doctrine, 102
 swimming, 15

T

teaching business law, 57
 Templar, Judge George, 1, 83, 95,
 Appendix A
 Tenth Circuit Court of Appeals, 102,
 103, 105, 111, 112, 115, 116, 117,
 118
 Theis, Judge Frank, 56
 Thomas, Leonard O., 1, Appendix A
 Thompson Hall, 34
 Tillotson, Senator J. C., 1, Appendix A
 Topeka Air Base, 39
 Topeka Arts Council, 97
 Topeka, Kansas, 96, 106
Topeka Capital-Journal, 104
Topeka Daily Capital, 23, 76
Topeka State Journal, 106
 tory or loyalist, 7, 9, 10
 Treaty of Paris, 1783, 10
 Truman, Harry S., 18
 Tuggle, Mrs. (1st grade teacher), 5
 Turkington, Mary, 92
 Tuscola County, Michigan, 6
 Tuttle Creek dam, 68-70
 Tuttle Creek Reservoir (Lake), 73
 Twining, General Nathan F., 44, 47

U

Ulrich, Bernard, 56
Umbehr v. McClure, 117-118
 Umbehr, Keen A., 117-118
 Unified School District No. 501, 106
 Union Pacific, 13, 103

United Empire Loyalists, 10-11
 Universal Declaration of Human
 Rights, 105
 University of Colorado, 33
 University of Kansas, 33, 88
 University of Kansas law school, 28,
 50-54
 University of Missouri, 33
 University of Nebraska, 34
 University of Oklahoma, 33
 University of South Carolina, 34
 Upper Canada, 10
USA v. Hager, 115
USA v. Gressett, 116
 U.S. District Court, Topeka, 98
 U.S. Immigration Service, 120
 U.S. marshals "like soldiers", 102
 U.S. Parole Commission, 100
 U.S. Sentencing Commission, 99
 U.S. Supreme Court, 102, 105, 106,
 112, 113, 116
 "use" of guns in drug case, 115, 118
 Usher, John Palmer, 52
U.S.S. Argentina, 49

V

Van Bebber, Representative, Magis-
 trate and Judge G. T. "Tom", 91,
 94, 97, 100, 110, 121-122
 Vandenburg, General Hoyt S.,
 Appendix E
 Venters, Tracy, 95
 Victory Life Insurance Company, 104
 Virginia, Appendix C
 volunteering, 121

W

Wabaunsee, Kansas, 14
 Wabaunsee County, Kansas, 13, 117-
 118
 Wagaman, Enza R., 54, 55
Wall Street Journal, 107
Wamego Buzz, 25
 Wamego Consolidated Rural High
 School, 21, 26

Wamego Drug Store, 17, 20, 21, 50,
 85
 Wamego Juvenile Band, 19, 85
 Wamego, Kansas, 1, 28
 Wamego's Old Stone School, 13
Wamego Times, 17
 Ware, Eugene Fitch, 86
 Wareham, Harry, 55
 Washburn University school of law,
 28, 50
 Washington Day celebration, 73
 Wassberg, Ivan, 65
 Watson, Henri J., 105
 Weber, Ort, 56
 Weese, John, 10
 Wesche, D. C., 66
 Wesche, Homer, 76
 Wesche, Orpha, 78
 Wethington, Wilma, 121
 whiskey, 20
 white collar crime, 100
Wilkinson; Fernandez, 105
 William Morrow and Company, 108
 Williams, Prof. Dwight "Sleepy", 57
 Williams, John, 6
 Williams, Mary, 6
 Williamson, Thomas, 2
 Wilson, Barbara, 97
 Wilson, J. Robert, 58, 61, 65, 93, 121
 Wilson, Paul E., 106
 Winter, Senator Wint, 88
 Wisner, Huldah, 54
 Wisner, Michigan, 6
 Woodson James, 75
 World War II, 37-50

Y

Yeats, William Butler, Appendix E
 Yeo, Barbara, 78
 YMCA, 97
 "Young Man of the Year", 71

Z

Z-Bar Ranch, 73
 Zeandale, Kansas, 14

About the Author

Homer E. Socolofsky is Professor Emeritus of history and University Historian at Kansas State University. One of his teaching specialties was history of Kansas. Among his many books are the co-authored *Historical Atlas of Kansas*, (1972, 1988), *Kansas Governors*, (1990), and co-compiled *Kansas History: An Annotated Bibliography* (1992). He is a past president of the Kansas State Historical Society and a past president of the Agricultural History Society.

