

TRIBUTES TO STEVE HAGER

Kace Rodwell, Michael Colbert Smith** & Stephanie Hudson****

Kace Rodwell:

I first met Steve Hager at Sovereignty Symposium when he was presenting on the Indian Child Welfare Act (ICWA) for the Juvenile Law panel. I was just a 1L law student then, inspired by his passion for advocating for Tribal families and enforcing laws enacted to protect them. I knew then that I wanted to work alongside Steve and would later get that wish as I received an Equal Justice Works Fellowship that focused on representing parents and Indian custodians facing Indian Child Welfare Act issues. I served out this fellowship at Oklahoma Indian Legal Services. Steve was my supervising attorney.

I often say that Steve and I are alike in how we handle our cases. However, when I take a deeper look, we didn't handle our cases similarly by coincidence. Actually, he shaped the way I take on cases and the lens with which I look at cases as a whole. While some attorneys are so focused on getting the "win," Steve focused on the true win—helping families during a crisis. Steve taught me that a win wasn't just getting a Judge to agree with your side. Sometimes a win was ensuring parents' rights were afforded when ICWA wasn't being followed. Sometimes a win is helping families get the services needed to reunify. Sometimes a win was to ensure that children had permanency in their lives, even if that meant through the unfortunate process of termination of parental rights. Steve was a true advocate for Indian Country, ensuring Tribal parents' rights in ICWA cases, protecting Tribal Sovereignty, and serving as a Tribal Judge in multiple Tribal Courts.

While I was lucky to have Steve as a mentor, I was even more fortunate to call him a friend. He was a powerhouse of knowledge not just in Indian Law, but in random facts of the world. We spent many days traveling across the State of Oklahoma for hearings where he would share stories of his past cases as a lawyer and also as a sitting Judge. Those stories were also mixed with random facts on Oklahoma gas stations, typewriters, cave explorations, and must-see movies.

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In my line of work, I come across many Indian Child Welfare Departments, State and Tribal Judges, mediators, State agencies, and many Indian Law advocates. I have yet to come across any that hasn't shared how much Steve has influenced their line of work or commented on how much of an impact Steve made on our communities. Though I cannot put into words the tremendous loss we feel in losing Steve, I am forever grateful for the amount of knowledge and friendship he shared. Even today, I still use his mentorship when faced with an unfamiliar legal issue as I think back on a story Steve once shared about how he handled a similar situation on a case. He not only influenced my work in advocating for Indian Country, but he also introduced me to the comedic art of John Mulaney, Bob's Burgers, and Monty Python—because you know, he always wanted to be a lumberjack!

Michael Colbert Smith:

My sister, Barbara Anne Smith, first introduced me to Steve Hager many years ago. She told me he wrote the book on the Indian Child Welfare Act. Those of you that had the privilege to know Steve, know he did in fact author the book on ICWA, and was the leading authority on the issue throughout Indian Country. My sister, like Steve was a fine attorney. She was a Supreme Court Justice for the Chickasaw Nation. It was always enjoyable and informative to listen to Steve and her wrestle the challenging issues facing Indian families as the State legal machinery took action to remove Indian children from their homes.

Attorneys Jerry Colclazier, Amy Colclazier, and Barbara joined forces to eradicate the Existing Indian Family Exception Doctrine from the State of Oklahoma in the Baby Boy L Case. They received a favorable ruling from the State of Oklahoma Supreme Court after three appearances. The Doctrine allowed the State of Oklahoma to circumvent ICWA. The State did so by making a judicial finding that the Indian family in question did not have sufficient cultural ties to the Tribal Community to gain the protections that ICWA offers. The Doctrine was used by the State to make the very judicial determinations that Congress said that States were not qualified to make.

This is the area of the practice of law that Steve, and others, have chosen to make a difference in the lives of Indian peoples for the benefit of all Tribal and Oklahoma Citizens. They do not do it for financial reward or acclaim. They take action for the pursuit of justice in Indian Country.

I was deeply saddened by the news of Steve's passing. I will remember Steve for his many qualities as an attorney, Tribal Judge, professor and oddly, for his bright sense of humor, for which he was always willing to share.

Stephanie Hudson:

The definition of circuit rider is a public official, who travels throughout a given territory to provide services. It can be a minister who rode horseback from place to place to preach and perform religious ceremonies. It also refers to a traveling judge, who visited various locations to deal with trials and other matters of justice. Steve Hager often referred to attorneys who practiced in Oklahoma Tribal Courts as "circuit riders." He took great pride being an "OILS circuit rider."

Through this work, Steve distinguished himself as an attorney who protected the rights of children who were removed from their parents and taken into the custody of the state or their Tribe. He recognized and prolifically wrote about how the protection of Indian children and Tribal sovereignty are intertwined. He often referred to Felix Cohen's recognition, "the treatment of the Indian is like the miner's canary, and such treatment reflects on the rise and fall of our democratic faith."

With the loss of Steve Hager, we lose a unique advocate for Tribal people in Oklahoma. He worked directly with Indian people who needed representation asserting their rights under the Indian Child Welfare Act. He worked directly with Indian people who needed to protect their Indian land interests, and he worked directly with Indian people who needed an advocate in Tribal Court.

Steve Hager was one of my best friends. We worked together for more than twenty-five years, and I miss him every day. He was a mentor, who helped me learn about Tribal Courts in Oklahoma. But I also learned about Bruce Springsteen, Enid Oklahoma, Godzilla, Hunter S. Thompson, fountain pens and hats. All kinds of hats.