

PRESS RELEASE

CIRCUIT JUDGE JOHN B. HAGLER

DECEMBER 18, 2007

It is my hope that the print media will do me the honor of publishing this entire statement because it is the only way I can inform the public, and it is the great advantage the print media have over other media outlets. This statement is intended for the thoughtful citizen.

Since the resignation issue arose I was determined to complete, and have completed, as of yesterday, my various dockets in the district. I have not missed one day of court since the breaking news. Although I have several matters under advisement, I do not expect to sit on the bench again except for a possible emergency before December 31, 2007.

Shortly after I announced my retirement, there has been a firestorm of requests and even demands that I reconsider, that I not let this happen. The essence of this reaction was not for me personally or for my family. The reaction was essentially that "they" must not get away with this and that I must stay and fight it in the public interest no matter the private cost. I cannot stay but the fight has just started.

On Friday afternoon, December 7, 2007, Steve Bebb, the District Attorney, Richard Fisher, a former district attorney who is now a part-time district attorney while also practicing law, and a TBI agent paid a surprise visit to my office at the Bradley Courthouse after I had completed the court docket in Polk County. They related that a recording of my voice had recently come into their possession, that

quite a few law enforcement people had listened to it or knew of its existence, that they did not know who else might have copies of it, and that it made me subject to blackmail.

They were relieved to be told by me that this was the first time I knew any such tape or recoding had been taken from my possession. I also told them there had never been a hint of blackmail. General Bebb stated that there was no crime or wrongdoing. He suggested that, although it was my decision, I should consider resignation because of the possibility of blackmail in the future. He also said that if I chose not to resign, it would be his duty to send the tape to the Court of The Judiciary, an agency which oversees the Judiciary for ethical violations and physical and mental health issues.

This suggestion seemed reasonable and proper to me, but I did not decide to resign because of blackmail, which I did not consider a real threat, but because of anonymous retaliation, which seemed a very real threat. A judge's integrity has been compromised any time he tailors any decision a certain way in order to avoid retaliation. This is true whether it is fear of political retaliation, fear of physical injury, or fear of exposure of private conduct as in this case.

So the minute I learned of the tape, resignation was the only ethical course of action. It seemed to be serving two worthy goals: (1) Protection of the judiciary from possible compromise and embarrassment; (2) Protection of my family and my reputation.

As it has turned out, none of these goals has been achieved.

Any decent person, myself, would be disgusted to hear my words as spoken on the recording. Although I have never been afforded an opportunity to listen to this tape, I believe that the description of it as containing "graphic fantasies" in the Times Free Press is an accurate and sufficient description and all any decent person would want to hear of it. But any decent person would also conclude that public dissemination, beyond the description previously given, can serve no legitimate public purpose and can only hurt, and continue to hurt, my family and me. I can accept that I deserve this infamy, but I cannot accept that my family does.

In my opinion, the real story here, so strongly expressed by an alert and outraged public, is not about me or my sins, but about whether one of our essential public institutions, the Judiciary, has been the victim of a retaliatory attack. This, not a judge's sinful but legal conduct, is the story; it is the truth which a responsible media and dedicated law enforcement officers should seek out. The framers of our constitution did not enshrine freedom of the press in order to support the lowest common denominator in the media or to entertain the public. The purpose of this powerful right is to keep the public informed about the manner in which their officials discharge their official business.

One good thing about getting older is that you have a chance to see things you never thought you would see. For instance, I never thought I would see the likes of Mike Callaway, Van Deacon, and Bradley County Bar president John Kimball and other members of the Bar called "a bunch of cowboys who dishonored the profession and everything it stands for" by a member of the

District Attorneys staff. I am referring to a meeting of the Bradley County Bar Association which was attended by lawyers from seven counties who practice all over the state of Tennessee.

I am not objective, of course, but I believe that responsible officials and the media should concentrate, not on the contents of a long-ago cleared tape, but on who leaked the existence of the tape and why they did it. I call on everyone who knows about this to do his or her civic duty. The public does not want smooth answers until a proper investigation has been conducted. That has not been done. The public demands and deserves real answers to real questions and will not rest easy until answers are provided and vindicated. I do not have the answers to these questions but I know they are out there.

I will, at this time, make no other statements except to appropriate authorities and to express my personal appreciation for the support my family and I have received.