

**THE ORAL HISTORY**

**OF**

**RETIRED JUDGE GENE E. BROOKS**

**AS TOLD TO**

**COLLINS T. FITZPATRICK**

**CIRCUIT EXECUTIVE**

**UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT**

**2000**

Today is Friday, April 28, 2000. I am in the law offices of former Judge Gene Brooks in Evansville, Indiana, overlooking the Ohio River. I am Collins Fitzpatrick, and we are doing his oral history.

**CTF:** Gene, why don't you tell me a little about where your parents and their parents came from, your ancestors.

**GB:** Well, on the Brooks' side, they are from England, just north of London. Actually it was called B-r-o-o-k-e. They just added the s when they arrived here. Brooke was very common over there at that time. They settled when they moved over here--as far back as I could check--in the early 1700's. Primarily they moved down in Kentucky and southern Indiana.

**CTF:** Were they escaping the religious persecution in England?

**GB:** I figured they were just looking for someplace else. I don't think it was a religious thing with them. They were looking for a better life according to my father. My father died about 6 months ago. He was 87. Talking to his father, and his grandfather, they moved to southern Indiana and they stayed here.

**CTF:** When did they move to southern Indiana?

**GB:** Early 1700s.

**CTF:** So they moved pretty quickly from when they got here?

**GB:** They only stayed in Kentucky for a few months. That was quite common around here. I don't know why people moved to Kentucky. Maybe it was more developed or what but a lot of people moved to the eastern part of Kentucky and to southern Indiana at that time and even southern Illinois.

**CTF:** Do you know where in the eastern part of Kentucky?

**GB:** No, I don't. I wasn't able to trace it.

**CTF:** Do you know where they were prior to eastern Kentucky?

**GB:** I know they landed on the coast. I don't know anything about that except that they come from the northern part of England--about 50 miles north of London.

**CTF:** When they arrived here, where did they initially settle in southern Indiana?

**GB:** They settled on the ground very close to where I was born. They lived there. The Brooks lived on the place first as a tenant then they eventually bought that ground. Then they bought about 200 acres. They farmed that up until my grandfather died which was about just the end of World War II, 1946, and then they sold it.

**CTF:** Where was that?

**GB:** In Griffin, Indiana, which is in Posey County adjacent to Vanderburgh. It is about 30 miles from here along the Wabash river.

**CTF:** Farming was corn, wheat, etcetera?

**GB:** Yes.

**CTF:** Just the normal stuff?

**GB:** Yes.

**CTF:** And then with your grandfather's death, they sold it?

**GB:** Yes.

**CTF:** Your father must have been doing something else?

**GB:** My father worked part-time on the farm. Farms weren't doing too good back in those days. He was an oil field pumper for Continental Oil Company. He took care of the wells that pumped oil and he made sure that they were properly maintained and put the oil in the tanks and made sure it was transferred out of the tanks to a big truck and sent to the refinery.

**CTF:** Where did your mother's family come from?

**GB:** Came from Germany. The Crawfords are all from Germany. They came from an area in the northern part of Germany--Dusseldorf or in that area.

**CTF:** And when did they come?

**GB:** They came around the same time. As best as we can figure out within two or three years. They were very close. They settled in Vanderburgh County--this is a very heavy settlement for Germans. And they settled in this part of the area in the late 1700s.

**CTF:** Why don't we put in some of the names if we could? Your father's name?

**GB:** His name was Claude Romelia Van Buren.

**CTF:** Your grandfather's name?

**GB:** His name was Alfred.

**CTF:** And what was your grandmother's first name and maiden name?

**GB:** You mean you are talking about the Crawford side?

**CTF:** No, I am talking about your Dad's side.

**GB:** Her name was Anna.

**CTF:** Do you know what her maiden name was?

**GB:** No, I don't. I looked for it and I could not find it.

**CTF:** Do you know what your great grandfather's name is?

**GB:** No.

**CTF:** What about on your mother's side?

**GB:** My mother's name was Martha. And her mother's name was Mary.

**CTF:** And do you know what your grandfather's name was?

**GB:** His name was Samuel.

**CTF:** Do you know anyone beyond them?

**GB:** No, I don't.

**CTF:** Now the Crawfords came here about the same time. What did they do? Farm?

**GB:** Crawfords worked in factories. Primarily at that time, it was a furniture factory around this area. Furniture was big then. And breweries were big. And later on cigar factories. Some of them worked in cigar factories.

**CTF:** Why? Did they get the tobacco out of Kentucky, I guess, and bring it down the river?

**GB:** Well, it wasn't a very good cigar. Back in those days, they were cheap. I'm sure they got the tobacco down there. But it was mostly very cheap tobacco from the outside, and then they filled it up with the remnants of what was left and stuffed it. It would burn really fast. It wasn't like the regular cigar that is hand wrapped. But there were a lot of big cigar factories.

**CTF:** And they lived in Evansville?

**GB:** They lived in this area. You see Vanderburgh County didn't exist in those days. Posey County did. Posey County was an earlier settlement. And Posey was named after—well many people think it was an illegitimate son of George Washington who gave him the land.

Then Warrick County to our east was in existence. So they got clamoring where the big city was going to be. There was a place called West Franklin, just west of here, which sits much higher. That was going to be the town, but then certain people living here organized a state bank and got railroads in here. So they took part of Posey and part of Warrick and made Vanderburgh. That is how Vanderburgh came into existence.

**CTF:** You were born pretty close to the Brooks' family farm.

**GB:** I was born on the family farm.

**CTF:** Born at home?

**GB:** Born at home.

**CTF:** How many siblings did you have?

**GB:** I had one sister, ten years younger.

**CTF:** And what is her name?

**GB:** Joyce.

**CTF:** Is she married now?

**GB:** She is divorced. She was married. Her name is Brockman. She did live in the northern part of Illinois. She lived in Ottawa. She lives in Florida now. My mother was a beauty operator and so was my sister. They were in the business together. My mother owned a beauty shop in Decatur.

**CTF:** Did you go to the public schools here in Evansville?

**GB:** No, Posey County. Griffin High School which is now consolidated of course. It is called North Posey, a bunch of little towns all put together in the 50's, consolidated together to make North Posey.

**CTF:** When you were in high school, were you active in any organizations?

**GB:** Sports I was. I was in basketball and baseball. And then softball. I pitched professional softball for many years after I got out of school. I worked my way through college by pitching professional softball.

**CTF:** 12 inch or 16? Oh, it must have been 12 inch.

**GB:** Right.

**CTF:** And where did you pitch?

**GB:** Pitched in Terre Haute. I went to Indiana State Teacher's College [now Indiana State University] in Terre Haute. There was a big laundry place, and I worked for them during the summer. I had all the fraternity houses lined up where I took all their laundry and I made money. They dumped all their laundry in a big box that I had at my fraternity house. I made extra money and they paid me to pitch for them in addition. I hated to graduate from college, really. I was going so good.

**CTF:** Who did you play?

**GB:** We played teams all around. I played here in Evansville. We played teams as far away as Ohio. We even went to Oklahoma a couple of times, and even times early on I pitched for fast-pitch softball—softball was big back in those days, '47, '48, '49, and '50. I pitched for a big factory in town at that time. It was called Servel. It became Whirlpool and I pitched for them for a couple of summers. We traveled to Detroit. We played all the big teams there were.

**CTF:** You were born in 1931? Just as you are about to enter your teenage years, we are in this huge war against Japan, Italy, and Germany. Did the war have any effect on you at all?

**GB:** I remember the Sunday that it happened. I remember where I was. I don't know why I remember but I do. When I went home, it didn't mean that much to me when I first heard it. I was downtown in Griffin, and Griffin had about 300 people. I went home and my parents were very very excited. I remember them crying and concerned, you know. Of course they were strong Roosevelt supporters and what

was going to happen to the country and listening to it on the radio. And of course during the war, a small town like this, especially people that you know were at war, and we had a big board downtown that had every person's name on it that was in the service. Then they would show who was killed. In a small town like Griffin, we had three or four people killed, one early on. I remember the family. I was 11, 12 or 13, I remember that happening.

We would go to the movies in New Harmony which was the closest for us to go to about seven miles away or sometimes we would just have outside movies. They would just come in and show them.

**CTF:** You mean some one would just go through town with a screen and put it up?

**GB:** Put up a temporary screen. It was all about the war, and they would be about a week old when you saw the news. People were very excited. They would show the Japanese and show us shooting someone. They would scream and clap. It was very high pitched nationalism.

**CTF:** You are in downtown Griffin. How did you hear? Did you hear a radio or did somebody tell you?

**GB:** There was a radio there in a little place that sold hamburgers and ice cream. We were talking about it, and they had the radio on. I remember it. At that time, two old maids ran the place, and what I remember about it is that they had a candy place in there, and I was always in there watching the candy. They had double-dip ice cream cones. I don't know if you have ever seen them or not. They had a place on each side of the ice cream cone that you would put a dip and then they would put one on each side and then one on top. You would get three dips for a dime.

And later on when I was a little older, about 14 or 15, then I used to pass out show bills. They had a movie house in New Harmony and one in Poseyville, which is another little town about ten miles away. I don't know how I got that, but I was the one they picked to go around to each house in town and I would pass out all the show bills which would show what the movies were going to be in New Harmony and Poseyville. I got in free. Now you were talking about big time. I got in free and I got a \$1.00 worth of food, candy, and ice cream. I couldn't take it all at once, it would be too much. It would last me all week, until I could pass out show bills again, but the main thing was I could get the movie for free. I wouldn't have to wait. At that time when you went down to New Harmony and Poseyville, like on a Saturday or Sunday, there would be a line, you might see 50, 75, 100 people waiting in line to get into the movie. I did not have to wait. I just had to knock on the door, take my girlfriend, of course, go inside. There wouldn't be anyone inside

except me and her. I could pick any seat I wanted. Now you are talking about big time. That was big time then. No question about it.

**CTF:** Now how old are you at this time?

**GB:** I am a sophomore, 15.

**CTF:** How did you get from Griffin to New Harmony?

**GB:** Friends, neighbors.

**CTF:** Give you a ride?

**GB:** Yes, give me a ride.

**CTF:** Did your family have a car?

**GB:** They had a car. It wasn't a very good car as I recall. It never would have made it to the movies. If I went, I had to go with someone else. A lot of people went during those days. That was the thing to do. I never had trouble getting a ride.

**CTF:** You picked Indiana State Teacher's College. Did you want to be a teacher?

**GB:** No. I don't know why. When I look back on that, my uncle was a teacher in Griffin, my Uncle Marion. And he taught me in the 5th, 6th, 7th, and 8th grade. I stayed in the same room. It was all the same room. I just changed desks. He was my teacher. He lived out on this farm, not in the same place I did, but in a different location. I went to school with him. He picked me up every morning.

**CTF:** How many kids were in your school?

**GB:** In grade school?

**CTF:** Yes.

**GB:** Well, in the whole thing, there would have been 100.

**CTF:** You probably had about a dozen in each grade?

**GB:** Yes.

**CTF:** So he taught different years. It wasn't like he taught a consolidated class.

**GB:** No, he taught a consolidated class. He taught them all in the same room. You just kept your mouth shut. He was teaching 5th grade, then 6th grade, and you just sat there until he got to you. But he picked me up. I always thought he was much tougher on me than anyone else because he wanted to make damn sure that I was getting it right.

**CTF:** What was his name?

**GB:** Brooks, Marion Brooks. Later on he was also my basketball coach when I was a sophomore. I don't know what happened to the other one. He just became basketball coach. So he taught me one year and coached me one year of basketball. When we won the county tournament which was a big deal for Griffin, for we were by far the smallest school of them all. We beat Mount Vernon which was a big town just 15 miles from here. All the other towns were bigger too so we won that sophomore year and junior year. We won it three times in a row which had never been done. We had a good team. It was a very good team. And when we played the sectionals, then we had to come to Evansville. We played all the big teams. We never won though. No team ever won here in sectionals.

I remember when I was a junior we played Central High School which was a big school here in Evansville. I remember they had a senior on their team, and I was a junior. He was a center. His name was [former Congressman] Lee Hamilton. I first met Lee Hamilton when I played in high school. And later on when I went to Indiana State, one of those boys on that team was my roommate in college, Dick Burdett was on that same team. So I have known Lee Hamilton since I was a sophomore in high school.

But my uncle had a very unique deal. He made basketball nets. He made basketball nets for all the area high schools, a lot of the college teams, I.U. at that time, and a lot of the pro teams. He was also a shop teacher. He had rigged him up a deal in his basement where basically he would sit down and had it on rollers and he could make this net. As he rolled along, he could make thousands and thousands of nets.

**CTF:** In his basement?

**GB:** Yes. He died about four years ago. He was making nets just about two years before he died. He got so he couldn't see to make the nets anymore.

**CTF:** So he obviously had a lot of influence on you?

**GB:** He influenced me. I don't really know how. But I just knew if I was going to go to college—he wanted me to be a teacher, I knew that. My only chance—I didn't know

if my parents could afford to send me or not—but I knew the only chance I had—I found out later he helped my parents put me through college. I didn't know that at the time. I found that out several years later. I'm sure one of the conditions was that I was going to be a teacher. I just went to be a teacher. I didn't know any better. No Brooks except him had been. He went to Indiana State too. He graduated from Indiana State back in the '20s.

**CTF:** So you were the second in the family to go to college?

**GB:** Yes.

**CTF:** What about on your mother's side? Any college?

**GB:** No. None at all.

I always thought that I would be bald-headed. All my mother's brothers are all bald-headed. My dad was bald-headed and all his brothers were bald-headed. I am the only one that has any hair. I don't know what that means now. I have three boys. I don't know what the youngest is going to be, Gino. The oldest one Marc is already 43 and he is practically bald. The other one is six years younger and he has all kinds of hair.

**CTF:** Now that is Greg?

**GB:** Yes.

**CTF:** Where does Marc live?

**GB:** Marc lives in Tempe, Arizona. He is the golf pro.

**CTF:** Did he pick up his interest in golf from his father?

**GB:** Yes. When I was a young lawyer in Mount Vernon, Marc was born in '54, so he would have been—when I started down there in 1959-60 so he would have been about six years old. In early '60, '62, General Electric moved into Mount Vernon, the General Electric Plant, which is there now. Lexan, I don't know if you have heard about that or not, but it is a hard plastic that you can't break.

**CTF:** Right it is used in bank teller windows.

**GB:** Right, stuff like that. It is used a lot in air plane windows. They make it right in Mount Vernon. It is the only plant in the world at that time that makes that. Maybe there are others now. General Electric couldn't attract any people unless

they had a country club. Mount Vernon had never heard of country clubs. But they put a lot of money in it, and they started a country club. I had never played golf. But they were pushing everyone to join the country club so I joined. Then Marc got to be about 10 years old and would go out and play golf. There weren't many people playing it. He was a very good golfer in high school. They won the sectionals. They beat all the other teams and lost in the regional in Indianapolis. They had a good team. He has always been a good golfer. He always had a job where he could play and he decided he wanted to be a pro later in life. He was very successful in business, in the transportation trucking business. He had no kids so he said about three years ago, I am going to quit my job and become a golf pro. And so he is. So we go out there a couple of times a year, beautiful course up in the mountains. Dan Quayle lives out there. I wrote Dan and told him to come down and play golf. He has been out there playing golf at my son's course.

**CTF:** Good. Now do you also have a daughter?

**GB:** Yes.

**CTF:** What is her name and where does she live?

**GB:** Her name is Penny. She lives in Paducah, Kentucky.

**CTF:** At least somebody is close.

**GB:** Yes. She is about the only one. The rest are all scattered out.

**CTF:** Is she married?

**GB:** Yes.

**CTF:** Does she have any kids?

**GB:** She has one. That is the only one that has any kids. The rest of them don't have any kids. Greg doesn't have any. Marc doesn't have any.

**CTF:** So you have one grandchild? Boy or girl?

**GB:** Boy.

**CTF:** How old?

**GB:** He is about 12.

**CTF:** Does he play golf?

**GB:** No. I don't see him very often. We don't get up there very often. Maybe three times a year, around Christmas.

**CTF:** You are coming out of high school in a between area--between World War II and the Korean War, and you start at Indiana State?

**GB:** Started there in '49.

**CTF:** But there is a draft. You have a student deferment?

**GB:** I had several of them. Many, I don't know how many. Every time they would give me one, they would say--because I knew a lot of people on the draft board and they knew my parents--"Gene, you understand now when you get out you are going to have to go." They threatened even two or three times before that I was going to have to go. So when I graduated I knew they were going to get me in '53 when I got out so I fooled them and I joined the Marines. They didn't get me.

**CTF:** Did you go out to San Diego then?

**GB:** No, I went out to Quantico, Virginia, the officer's deal.

**CTF:** So you just went to Officer Candidate School after Indiana State?

**GB:** Yes. I went to O.C.S. ten or eleven weeks. Then they sent me to--after you got through O.C.S. you got a choice--they said it was a choice--your preference, if you want to be in tanks, infantry, artillery, or air wing. There must have been about 40 choices. I knew damn well I didn't want to be walking all the time in the infantry and I didn't want any damn tanks. I don't remember what I put in there, but I know I put down the air wing, so they sent me to radar school in Cherry Point, North Carolina, when I got out. I was in Cherry Point, North Carolina for about six months. I went to radar school, and I became a radar controller. Then they shipped me to Korea--oh, I went to Japan for about three months--and then they shipped me off to Korea for the rest of the time until I got out. I got out in about '55.

**CTF:** When did you meet your wife?

**GB:** When I was going to high school.

**CTF:** And when did you get married?

**GB:** As soon as I came back from O.C.S. in '53. We got married right then. I got married in my white uniform. The boys have the pictures. I don't have the pictures anymore. My first wife is deceased. She died about two or three years ago. I got married right there in the Episcopal Church in New Harmony.

**CTF:** Were you raised an Episcopalian?

**GB:** I was raised as a Methodist. She was an Episcopalian so I switched over.

**CTF:** You were getting out of the Marines in '55. At what point do you decide you want to go to law school?

**GB:** I was over in Korea and I already decided I didn't want to go back and become a teacher.

**CTF:** Had you done any teaching?

**GB:** I did practice teaching at Indiana State. That is all I did. I never did anywhere else.

**CTF:** High school or grade school?

**GB:** Grade school. I was going to be an elementary teacher.

**CTF:** Did you want to coach?

**GB:** No, not really. I was sitting over there one time and a bunch of us were talking and we had one lawyer in our group.

**CTF:** Is this in the Marines?

**GB:** Yes. It was a little remote area in Korea where they had the radar. So we had a lot of pilots there. We worked with the pilots a lot. We were the ones that controlled them. We were talking one time. He said hell you ought to be a lawyer. One guy said you ought to be a lawyer. So I wrote the school, I. U., and got the applications and everything and before I got out, they told me that you know what I had taken at Indiana State wasn't going to work. I was going to have to go that summer--when I got back I was going to have to take some more credits. I forget exactly how many. So I went to the University of Evansville when I first got out to get more credits so I could get in.

**CTF:** You didn't go to Bloomington then?

**GB:** Yes.

**CTF:** You went to Bloomington?

**GB:** Yes.

**CTF:** And you graduated from there when?

**GB:** '59.

**CTF:** And then you went to practice in Mount Vernon?

**GB:** Yes, went back and ran for prosecutor.

**CTF:** Immediately?

**GB:** Yes. I needed the money.

**CTF:** Had you been active in the Democratic Party prior to that?

**GB:** No.

**CTF:** Had you done any political work?

**GB:** I had been gone. See I've really never been back.

**CTF:** Well, I was wondering at Indiana State?

**GB:** Well, I was at Indiana State.

**CTF:** What did you do there?

**GB:** Young Democrats. I was in the dorm on the same floor there with a guy who was with the Young Republicans and we never did get along. He is a federal judge now in the northern part of Indiana now.

**CTF:** Lee?

**GB:** No, Allen Sharp. We went to the same school, Indiana State.

**CTF:** And you guys were on the same floor?

**GB:** Yes, same floor.

**CTF:** Now that is an interesting story.

**GB:** He was radical. Man, he was crazy, I told him. He was head man up there.

**CTF:** Allen, I would say, is more subdued.

**GB:** Is he?

**CTF:** With the problem that he had—I think he is more subdued.

**GB:** He was quite a character.

**CTF:** It literally made him a better judge, I think.

**GB:** Yes.

**CTF:** I don't know if you would say that but I certainly can see it.

**GB:** Is he still active?

**CTF:** Yes. It made him more understanding of the people who came to court.

Were you in any other activities? You couldn't play softball for Indiana State because they probably didn't have a team. You were just doing that. Did you play any sports for Indiana State?

**GB:** No. I went out for the basketball team, but I was a walk on and didn't have any scholarship and I didn't make it. I wasn't big enough even then. I was one year the editor of the school paper. I was interested in journalism. I really was.

**CTF:** When were you editor? As a senior?

**GB:** A senior.

**CTF:** So you had worked for the paper prior to that? For four years?

**GB:** No, two years.

**CTF:** Were you a reporter actually?

**GB:** Yes.

**CTF:** What other activities did you do at Indiana State?

**GB:** Fraternity, very active in the fraternity, I'd say.

**CTF:** Playing sports that were intramural sports?

**GB:** Intramural sports.

**CTF:** You didn't try to play baseball though?

**GB:** No, I did not.

**CTF:** What about at I. U.? Did you play sports or did you do any activities at I. U.?

**GB:** Just softball. We had our softball team. We played a lot, but we played the doctors one year, and we had a really good catcher on the team, I know that. I remember him. We had a lot of players on the team. We had Frank O'Bannon, Governor O'Bannon, and a guy by the name of Birch Bayh [former United States Senator] was my catcher.

**CTF:** Is that when you met Bayh?

**GB:** Yes. That is where I met him.

**CTF:** But he comes from around this general area?

**GB:** He comes from around Terre Haute, Indiana, a little town called Shirkieville, which is about ten miles outside of Terre Haute.

**CTF:** Did you work on any of his campaigns?

**GB:** Yes. When I got out of law school in 1958, I did when he first ran all over the state.

**CTF:** You said when you graduated in 1958, you ran as prosecutor. Is Posey County a Democratic County?

**GB:** Yes.

**CTF:** Did you have a primary contest?

**GB:** Yes. The guy was Dick Hourley.

**CTF:** What were the campaign issues?

**GB:** I don't remember.

**CTF:** Did you win or lose?

**GB:** Won.

**CTF:** So that was an upset?

**GB:** Yes, big upset. I won three times. Reelected two more times until I became a referee, 1968.

**CTF:** Was the prosecutor a part-time job?

**GB:** Yes, part-time.

**CTF:** What were the biggest cases that you handled?

**GB:** Well, I had a murder case in 1966. It was moved out to Petersburg, Indiana, which is about 30 miles north of here. It was some fellow—which I happened to know, I knew the woman—he raped her and threw her in the Ohio River. And he just got out of prison two years ago.

**CTF:** What is his name?

**GB:** I knew you were going to ask me that. I can't remember. I'll think of it. Oh yes, his name is Arthur Eugene Lindsey. He was just released from prison this year.

**CTF:** Any other cases?

**GB:** That was the biggest case we had. We didn't have too much in Posey County back in those days.

**CTF:** What about your practice? What was your practice like?

**GB:** I was a general practitioner. I did a lot of title work. I examined a lot of titles, and working for banks. I worked for a couple of banks. I did have some bankruptcy practice—not a lot, but some. I used to come over here, maybe several times a year when they had the referee come down from Indianapolis at that time. His name was Pfister, Paul Pfister.

**CTF:** There wasn't a bankruptcy judge covering Evansville–Terre Haute at that time? He just came out of Indianapolis?

**GB:** Yes, he just came out of Indianapolis. He wouldn't even come down once a month. It would be every two or three months. He would set up his cases over at that same place over there where I showed you. That is where they held the hearings in that tiny courtroom, about the size of this room right here.

CTF: You were elected in '62, '66, and '70 as prosecutor, right?

GB: No.

CTF: I'm sorry. It would be '59.

GB: Yes.

CTF: Is it every four years?

GB: Yes, every four years.

CTF: Is it '59, '63, '67?

GB: Yes. I was just reelected in '67. And then 1968—I just served one year—before I became a referee.

CTF: How did that occur?

GB: While sitting in the office I was in practice with an older fellow, I got a phone call from Senator Vance Hartke. He was our United States Senator at that time. He is from Evansville. He was mayor of Evansville at one time and I knew him quite well because I had been active in politics. After I had worked with Birch Bayh, I was active in the Young Democrats. At one time I was President of the 8th District Young Democrats of the whole area down here. He called me and asked me if I wanted to be bankruptcy referee. I told him, Vance, I have no idea. I said I got a partner here. I can't let you know right away. I have to talk to other people. He said he would be back in touch with me in two or three days. I said ok, and he said don't tell Birch I called you. I don't know what that was all about because they didn't get along very well. So I called—I tried to get a hold of Birch, and Birch was in California. So I called the state chairman who I knew from Huntinburg, Indiana. Gordon St. Angelo was his name. He was the state chairman and Gordon went on to be the guy with Eli Lilly in Indianapolis that ran the Foundation.

So I said to Gordon, I just got this call from Vance and he has this bankruptcy referee job. He said you want that? I said I don't know. Vance said I have to make up my mind. Gordon said, I'll talk to Birch, he will be in tomorrow at the Indianapolis airport and I'll talk to him about it.

So Birch called me next morning and said I didn't have any idea that you wanted that job. Well, I don't know that I do, but Vance had called. And he wanted to explain to me that there was a part-time referee there at that time, and that he was going to make a full-time job out of it. '68 was the first full-time job. They were

going to give it to the guy who had been part-time. One bankruptcy referee had been killed by an automobile accident at that time, and then this man had been active for about a year and a half, and they were going to give the job to him. At the last minute, his partner died. He was going to inherit the practice and he turned the judgeship down. They had just found that out two or three days before. So they had to find somebody to give it to.

And Birch said, if you want it, you can have it. I said let me get back with you. And I said now, I did talk to Vance, and he told me not to mention it if I talked to you. I don't want to get in any trouble at the very beginning. He said don't worry about it. They didn't get along at all. He said he had just talked to him two days ago on the senate floor and I said we are going to have to look around for a bankruptcy referee because the man that was in there refused the job." Vance said he didn't have anyone in mind, but he let him know and they would talk it over. So, I thought that Birch thought maybe he betrayed his trust by calling me.

So anyway I called Birch about 10 days later and told Vance that I was very interested in the job. So they went to work on it. Mostly I worked with Birch. Vance kind of stayed in the background. I only knew Hugh Dillin because he was very active in politics before he went on the bench. I knew him because he was very active in Democratic politics, and he was the only judge I knew. I knew Bill Steckler because he was from Mount Vernon from where I lived. And I knew Bill Pfister, the bankruptcy referee, because he was also from Mount Vernon. Anyway Birch was going to handle the thing. I guess Vance told Birch to go ahead and do it. And then Birch said I will get in touch with Judge Steckler, and we will see what we can do. This was like in December and in early January Birch called me saying Judge Steckler doesn't think he can appoint you. I said, if he doesn't think so, that is fine. He said he already appointed one bankruptcy judge from Posey County, and he doesn't think it is going to look good if he appoints another judge from Posey County, but I will talk to him. We will keep talking, he said.

In the meantime Dillin had called me, and he said Gene, I've been talking to Vance—now, you have got to get a hold of all the politics down the line—Dillin was a very good friend of Vance's. Noland was a very good friend of Birch. Dillin said he and Noland have been talking. Dillin said I've talked to Vance and he has talked to Birch, and they want you to have the job. You are going to have to give us some time to talk to Bill. We will help you out, Dillin said, just don't tell Bill that Vance Hartke has anything to do with this because Steckler did not like Vance Hartke. I never did find out why. I said ok and didn't do anything. I just sat and waited. I got a call from Miss Murphy.

CTF: Dorothy Murphy, the long time secretary of Judge Steckler.

GB: Yes, and I don't know if you ever met her or not.

CTF: Oh, I certainly did.

GB: She said, Mr. Brooks, Judge Steckler is always busy of course, and he wouldn't have much time for you, but if you could see fit to come up here sometimes because he would just like to see you. She said he never met you. And she said now you won't be able to see him very long. She made a long story about that. So I knew the editor of the paper down in Mount Vernon who was a friend of their family for a long, long time, and he had done all the work for Steckler when he went on the bench, resume and all that kind of stuff.

CTF: Who was that?

GB: His name was Arvin Hall. So I went to Arvin and I told Arvin generally what was going on. He said here is what you do. And you understand I am a young kid and I'm dealing with federal judges and I don't know if this is a good idea. He is giving me this advice and I'm not sure it is a very good idea. He said now what you do is you just drive up to Indianapolis and act like you just happen to be in town and just drop in. Because he said you will never get in if you make an appointment which is probably true knowing what I know now. But I said she called me, and to let her know. Yeah, but it is a hard time getting his schedule. "Just do what I tell you," Hall said.

Well, I thought about it for two or three days. I know it is not a very good idea really. I told him I don't think it is a good idea. He was a rough old guy. He said, just do what I told you.

So I drove up there. I got up early one morning and drove up to Indianapolis to the Federal Building. I had never been in that building in my life. I was scared to death. I knocked on the door and went in. She was very proper. Can I help you, she said. She didn't know me from Adam and I told her who I was. She said oh yes, I talked to you on the phone. She said, you didn't have an appointment did you? I said, no, no ma'am I didn't. I just happened to be in town. Here I thought oh no, I am lying already. I just happened to be in town. I thought I might stop by and see if I could talk to him for a few minutes. She said I couldn't have come at a worse time. He is just going through complex matters and all kinds of things. Well I thought, what am I going to say. This damn guy gave me pretty poor advice. She said, well did you drive up. And I said yes. Let me just peek in there a moment and see if he can just speak to you and say hello to you and meet you because he didn't want to be disturbed. I said fine.

So she peeked in the door and I don't know what she said. She said, now just go in for a few minutes because he is very busy and has to get a lot of things out today, very complex, and she went into the whole deal. I said fine, so I went in, and he said oh, I have been wanting to meet you. To make a long story short, two hours later I was still sitting there in Judge Steckler's office talking about everything you could possibly imagine, Posey County, and just about everything. Mainly he wanted to know who contacted me about this job. And I thought, oh, my God, here—I'm really going to be in trouble now. I remembered what Dillin told me not to tell him that it was Vance. I said I got a call from Birch. "Well, Gene, I have to tell you one thing," he said. "If I have any inkling that Vance Hartke had anything to do with this, you will not be appointed. I just want you to know." Well I said I don't think Vance Hartke has anything to do with this. He said well I have reservations about appointing you. I said I heard that. He said I think I will get criticized, two people from Posey County. Judge Steckler said he hadn't made up his mind, he was still thinking about it. He said he wanted to talk to some people. I said fine.

So I drove back and, when I got into town, it was late. It wasn't late, but it was nine or ten o'clock at night. My wife said Arvin Hall has been trying to get hold of you. That was the newspaper editor. I said oh shit, no telling what that is, you know. So I called him at his home. He said you went up there. I said yes. Well, how do you think it went, he said I said I don't know. I told him we talked about everything and he never really promised anything. He never said anything about you are going to get the job or you are not going to get the job. He hadn't made up his mind yet. Arvin said you got the job. I said I have? He said Steckler called me right away. He said I liked that boy. He wouldn't tell me, but he called Arvin and told Arvin he liked that boy. So he notified Birch. Birch called me in about two or three days and said I understand you got the job. Steckler called me and told me you had it. Yes. He never told me that. So that is how I got it.

CTF: You took office?

GB: March 1, 1968.

CTF: And you had been with two firms in Mount Vernon?

GB: Yes.

CTF: And it was basically the same work? You were moving up because you were an older lawyer and you had more experience?

GB: Yes.

CTF: Had you ever practiced in bankruptcy court?

GB: Yes.

CTF: How often?

GB: Two or three times a year. I would come over with Pfister, Judge Paul Pfister.

CTF: Generally Chapter 7 cases? Or were they Chapter 11 cases?

GB: Oh no, I never heard of Chapter 11 back in those days. They were all straight bankruptcy cases, Chapter sevens. Thirteens, we never had any Chapter thirteen cases either. I didn't know anything about thirteen.

CTF: So, basically, were they asset or no asset cases?

GB: All no asset cases.

CTF: What kind of training did you get to learn about the bankruptcy law?

GB: Schooling in Washington, D.C. like they do now. They sent you down for about two weeks. The bankruptcy judges taught the courses in Washington, D.C. at the Dolly Madison House which is where you went at that particular time. That is just how it was. Plus getting the damn books out yourself and just reading everything you could.

CTF: And you were headquartered here in Evansville?

GB: Yes.

CTF: But you had the responsibility of covering--

GB: New Albany and Terre Haute and Evansville.

CTF: So how often did you go to those places.

GB: Every month to Terre Haute and New Albany.

CTF: For two days or was it--

GB: Yes, two days in Terre Haute and two days in New Albany, and the rest of the time I was here.

CTF: Were there any other locations that you ever went to?

GB: I did some hearings in Indianapolis when the judges recused themselves.

CTF: What happened in conflict cases? Did you have any conflict cases that someone from Indianapolis would have to come and cover?

GB: No, nobody in Posey County ever filed one. I didn't know anybody. There wasn't that many cases. Almost all the cases were right around Evansville.

CTF: How busy were you as a judge?

GB: Not very busy. I was busy traveling, but there were not that many cases. I can recall I had plenty of time to read. I spent most of my time just reading about the bankruptcy laws and so forth and talking to the bankruptcy judges.

CTF: I can't remember when it came into play, but clearly at some point in the federal system one had to stop being active and being behind the scenes in politics—although I don't know if Judge Campbell in Chicago ever did.

GB: I never did. From that time on, I never did any of it.

CTF: You became active in the National Conference of Bankruptcy Judges?

GB: Yes. I went on in 1968. I was active until 1979 when I was appointed. I don't think I ever missed—I only missed one conference that was ever held. I started in '74, and was elected to one of the lowest positions. I forget what it was at that time, senior vice president, or whatever they had at that time and you go up through the chairs. I think it was '78 when I was President of the National Conference of Bankruptcy Judges.

CTF: Initially when it was formed, it was the referees in bankruptcy?

GB: Yes.

CTF: Because it was not—I forget when the name changes—but it is not until the '70s.

GB: No, the name didn't come about until 1975. There was a lot of opposition, Collins. A lot of district court judges didn't want to change that to a bankruptcy judge.

CTF: There was a strong opposition from Chief Justice Warren Burger.

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GB: Oh yes, I know.

CTF: For two years afterwards he didn't want to refer to bankruptcy judges as bankruptcy judges.

GB: At some point in time in the early '70s or '74, '75, somewhere in there, when I started as an officer there, Asa Herzog was the number one bankruptcy judge in the country in the Southern District of New York. He wrote a lot of books for Collier's and so forth on bankruptcy. He was Mr. Bankruptcy. He ran all the educational stuff for the bankruptcy judges through the Judicial Center at that time. He had a group of bankruptcy judges who traveled all around the United States and talked to other bankruptcy judges at that time, new and old, regional things, and he put me in to watch and travel along with him, and, if he laid his hands on you, you might go up and you might not make it. He had one of his friends by the name of Roy Babbitt, and other bankruptcy judges that I knew were on--

CTF: The Southern District of New York?

GB: Yes. Other bankruptcy judges that I knew around the country. There were about six of them that did the teaching and the traveling around. And then one time one of them got sick and he called me wanting to know if I wanted to fill in for him and once I did that I stayed on. I did that for about three years traveling all around the country to every major city in the United States from east coast to west coast putting on seminars on different subjects on bankruptcy at that particular time.

CTF: So that obviously helped you with exposure within the organization?

GB: Oh, yes. And that is when you really felt the pressure with the Chief Justice on the name. Because I remember one time, we printed a program when it really got bad that says Conference of Bankruptcy Judges and he personally called the Administrative Office down in D.C. and got it changed to referee. He felt that strong about it.

CTF: Is this after Congress had changed it by statute or was this just that there really wasn't any nomenclature?

GB: This was before. They were going to. There was a lot of deals because the bankruptcy judges--referees at that time--we had a lawyer we paid as a lobbyist in Washington, D.C., long before--early '70s--to watch legislation for us and try to help us increase the salaries and other things that led to fringe benefits or legislation whatever. And federal district judges really resented that.

CTF: Oh, very much so.

GB: They just thought that was the worst thing you could ever do. And we slipped some wonderful things through there, and we didn't make any friends with the district court judges at that time. I remember one time, we had it locked in at one time with a certain percentage with the district court judges' salary, and it was left up to them to set the level, and they could change that even after that. We got that taken out, and oh, my God, they went berserk on that.

District Judge James Noland was tough on that. He felt strong about being called bankruptcy judges. He used to tease me all the time in a joking sort of way. He would say to Judge Steckler: "Here's a referee, Referee Brooks is here." He made a point out of it. Of course he made a point out of the fact that I was from Posey County and Steckler was from Posey County.

I went up there for a meeting and sometimes the referees would meet with the district court judges. I had on a yellow sports coat. I'll never forget that. Noland was about as conservative a dresser that you would ever find. He required all his law clerks to wear nothing but white shirts. You couldn't wear a colored shirt. It had to be a white shirt. He saw that coat. He said oh my, oh my. He slapped his leg like he used to, you know. He says, Bill, look at Referee Brooks here. What do you think about this? And Steckler said I think it looks nice. Noland said I give up. All you Posey County people stick together all the time.

CTF: Besides the lobbying effort, there clearly was a lot of support, as I understand it, from the banking industry for upgrading the referees in bankruptcy?

GB: Yes. The banks supported us pretty heavy. That is the only way we ever got it really. I don't think we could have gotten it by ourselves, but the banks really did support it.

CTF: Who handled the negotiations with the banks? Did they just line up as a good government position from their standpoint?

GB: We had a network that was unbelievable at that time. Every bankruptcy judge, not every one, but the majority of bankruptcy judges—I don't know how many there were at that time. I want to say about 400 or so. We had contacted them in their area with the bankers, the legislators, who were in Congress. We made sure they had contact with them and had discussed with them all the things. They were kept up to date. We met with them regularly. We kept pretty close tabs with the local banking people and the congressional people. So when we wanted something, we would go to them and tell them we needed their help and we generally got their help. I was the first bankruptcy judge to ever talk to the National Bankers Association Convention.

CTF: When was that, Gene?

GB: That was in 1975 in San Francisco. I got that through a local banker here who was active with the American Bankers Association. And he said, Gene, will you address them. I said it has never been done. He said that is true because they don't like you guys. But I want to have you out there. I went out to San Francisco and the bankers have someone meet you from the Bankers Association. He said, Judge, here is what is going to happen. You are going to speak at 1:30 in the afternoon. There is a luncheon at 12 o'clock and Tony Randall is the speaker. I said, oh won't that be fine. I've got my jokes and I'm going to have to buck Tony Randall over the damned thing.

So next day this contact that we had said, Judge, I've got some bad news for you. Tony Randall cannot make it. I said well, I hate to hear that. No, we have got Bill Cosby in his place. So they flew Bill Cosby in. He was at a hotel in Las Vegas or Reno and they flew him in. And I got to talk to Bill Cosby. And I invited him down to my speech at 1:30 after his noon thing. He said he would like to but he didn't think he could make it.

CTF: Did you ever feel any direct pressure not to promote the agenda of the National Conference of Bankruptcy Judges?

GB: Oh, yes. There was no question.

CTF: From whom?

GB: Primarily from Judge Noland. He was the biggest one opposed to it. It wasn't--it was subtle, it wasn't to say I don't want you to do anything. But it was like little things. "I have been hearing things you guys are doing. I think it is wrong. We don't do that. You still work for us." That sort of thing. It was present. There was never any question about it. Now Judge Dillin was never interested in it. Judge Steckler never took a stand on anything like that. He wouldn't say anything.

CTF: Now, clearly at this time, the Bankruptcy Division in the AO is very supportive of an independent bankruptcy in providing--I used to refer to them as client divisions because whether it would be the magistrates or the defenders, they would always try to provide whoever their clients are with the best that they could and it was a decision independent of how it fit into the rest of the judiciary. But the Bankruptcy Division was clearly supportive, if not overtly of an independent bankruptcy court. At this point we also have the arguments for the Article III status for the bankruptcy judges.

GB: Yes.

CTF: Which is really the gasoline to put on Judge Noland's fire.

GB: Yes. That was really a known one. You know a lot of bankruptcy judges were not in favor of that. Because number one you are going to lose your job. A lot of people were going to lose their job at that stage, and what we were trying to do at any stage was to have stay on as many as you possibly can. We were about split. We took a poll at that time. Really, I didn't know a Democrat from a Republican as a bankruptcy judge referee. I mean nobody ever—I mean you might know, and you might not know. So we took a poll at that time, and it was almost about 50-50. It was just a little bit heavy with Democrats but it was very close, very close. So we were trying to make sure if some kind of legislation went through that changed much, that we had some kind of built-in deal where over a period of years there was going to be attrition, they were not just going to change them all at once. Democrats or Republicans wouldn't be going out. They were going to be able to stay on.

A lot of people didn't like the U.S. Trustee system like they have now. The bankruptcy judges fought that forever. We thought that the worst thing that could ever happen was to have another bureaucracy like the U.S. Trustee. Then Congress decided on a pilot program as you well know. Of course, Congress later adopted it. Now every bankruptcy judge that I talk to thinks it is the greatest thing that ever happened. We didn't realize it because all the troubles are handled by the trustee. The bankruptcy judge doesn't have to get involved in all that stuff.

CTF: Well there is also the thought that at least in some areas, the appointment of trustees was looked at as a form of patronage.

GB: There is no question. That is the way it was. It was here. We just had an understanding. I had a different understanding with each judge. Steckler didn't really care. But he said he would like to know if there was a big case, a case he wanted to appoint somebody as trustee. Dillin wanted to know. Noland wanted to know if it was over \$50,000 or \$100,000. And Judge Holder did know. There wasn't any question about it. Holder found out before anybody else did. And he wanted—he controlled it.

CTF: He wanted certain people appointed?

GB: Oh, he did. He appointed them all. He appointed every single one of them. He appointed one single firm and he appointed one single accountant every single time. I know I got highly criticized when they started writing about me and the same firm was in it every time and the same accountant. Holder drew about four of the biggest cases there were in a row. He got every one of them. The judges called and said how the hell did that happen. How did you get all of them? I said all I did

was draw them. That is just the way it happened. The next thing I know I just get a phone call. I didn't do anything. Once it was Holder's case, I get a phone call from Holder and he would say the trustee will be in to see you. Nothing I could do. The others I would know and I would call and I got this case that was filed today, and tell me if you had someone in mind that you wanted to be appointed trustee. But Holder he already named the trustee. The guy would just walk in.

CTF: He wouldn't enter the order. He would have you enter the order?

GB: Oh, sure. I would enter the order. I did all the orders. As you look back on it, I had all the same people. What am I going to do? Go tell him I don't like that situation? When he hired me and fires me and everything else, you know. So that is just the way it was. And the rest of them I would just try to pass around to different people.

CTF: And at that point you are serving for six-year terms?

GB: Yes, six-year terms.

CTF: So you are appointed in 1968. You are reappointed in '74.

GB: Yes. A lot of stuff was going on about reappointing.

CTF: Because the role of the circuit doesn't come into play until after '78?

GB: No. And that is the year that I was President of the conference, 1978. See I got all the new, originals copies of the Bankruptcy Act. [The copies are hanging on the wall.]

They sent me that. There is Jimmy Carter, kind of tickled me over, Walter Mondale, John Glenn, Carl Albert, Gerald Ford. I went down and testified.

CTF: Did you testify in '84, too?

GB: No.

CTF: When you were a district judge?

GB: No.

CTF: Once you became a district judge—you were appointed to the district bench in 1979?

GB: 1979.

CTF: So at that point you were out of it?

GB: I went one time. I went to Nashville, and it might have been in the early '80s. I don't know when exactly. But I still belong to the former bankruptcy judges' organization, but I've never been to any of the meetings.

CTF: One of the switches that occurs is breaking the linkage of the bankruptcy judges, formerly referees, to being appointed to the district court, and also providing for a length to your term? Is that something that the National Conference of Bankruptcy Judges pushed?

GB: I wouldn't say push. But a lot of them had the feeling that the system was not right the way it was. It wasn't true in every city. In my case, I knew all the judges really well, you know, and they appointed me, and so forth and so on. They heard my appeal. I had conversations concerning the cases with the judges after it was there. That was just the way it was. We were close and I knew them all. But all bankruptcy judges did not have that kind of a relationship. In fact some bankruptcy judges did not sit in the same room as the district court judge. We had some places, where the district court judges would not permit you to sit in the same dining room. It got pretty bad.

CTF: I think there were particular problems out in Central California?

GB: Yes. New York also.

CTF: Southern District or Eastern?

GB: Southern District, very, very strong feelings up there. Some in Detroit. A lot of it was the fact that they didn't like what bankruptcy judges were doing.

CTF: Well part of it is the change in the role, too. Clearly a referee in bankruptcy starts out as closer to being on the district judge's personal staff and then moves to becoming an independent judicial officer. I have the impression that at one time, anything of an adversary nature is going to the district court. So they are more like an assistant—not like a law clerk—but somewhere between a law clerk and a judge.

GB: I would say it differed from place to place, but generally, you are right. There was a close link between the judge and the referee. They knew nothing about bankruptcy at all, the district court judges. By and large they knew nothing about it at all and even the law clerks didn't know it. They hate it too.

CTF: Gene, do you see the push for creating the independent judiciary institutional reform or do you see it as what I call personal aggrandizement, people who were a referee wanted to be a judge, wanted to have a longer term, wanted to be paid more. Or was it people looking back and saying it was a bad system?

GB: I think it was the latter. I think people truly thought that the system was not healthy for anybody. There were just too many instances where you were too close to the trustees, and so forth. You are setting their salaries. You are hearing their appeals. They are walking into your office and asking you questions about what do you think if I do this. They depended on the bankruptcy referee at that time to guide them, the same person who was going to rule on what you did. It was a horrible situation. It truly was. And a lot of bankruptcy referees at that time tried to set their own system up long before it was ever changed. They simply said I am not going to talk to you. You go on your own. Most of us thought we are going to have to be personally involved in this thing even though it is not the best situation in the world. We are going to get criticized. That is the way it has to work until somebody changes it. And we fought to get it changed for that reason.

CTF: You also fought to change the trustee system, I assume, because the supervision of the trustees and the appointment of the trustees--

GB: That was a nightmare. That truly was a nightmare. It is the same old deal, we used to talk about it all the time as bankruptcy judges. You appoint one and you made him happy and then there are twenty that are madder than hell, you know, for one reason or another. Except for certain areas, I think by and large, bankruptcy judges tried to appoint people, tried to pass it around, tried to get people that were competent. But there were some areas where that was not the case. You would look and see certain bankruptcy judges who were appointing the same trustee over and over again. You knew that was not good. You knew sooner or later something was going to happen.

CTF: Who were the key people in this movement at least from your view point?

GB: The key person was a bankruptcy judge from Lexington, Kentucky, by the name of Joe Lee, who has since retired. He was very active. There was a bankruptcy judge from Knoxville, Tennessee, by the name of Clive Bare, who was very, very active, probably the best bankruptcy judge in the country, I thought, to tell you the truth at the time. Then the other person who I would say the most was Conrad Cyr. Conrad Cyr was the president a couple of years before I was. He was appointed district court judge after I was, maybe early 80's. And then he was appointed a circuit court judge of the First Circuit since that time. I hear from him once in a while. And he has since taken senior status. I would say Conrad Cyr had the most to do with it. He was a very well respected individual. He had a real good

relationship with his congressman and senator—I think Cohen was his senator at that time. I'm not sure who it was at that time. I would say he was the primary mover. There were a lot of people that triggered something. But there was only about a handful that really kept after it. Asa Herzog did as a bankruptcy judge in the Southern District of New York. In later years he moved to Florida to retire. But early on he was probably number one.

CTF: Your principal opponent probably at this time is Chief Justice Warren Burger?

GB: Oh, yes.

CTF: He was pushing the Judicial Conference and all the judiciary?

GB: Yes. We couldn't even get a hearing. We tried to discuss it you know, about what we are doing, what we are trying to do, and trying to get it on the agenda. We never had a bankruptcy judge on there. We couldn't even get inside the room. We were trying to get judges, certain judges that the referees knew to try and put it on there, and one or two times we got it on there, then before the meeting, he would strike it off. There wouldn't be any discussion whatsoever. The Chief Justice now is the only one that ever really opened the door and let us be heard.

CTF: Actually there was one of the Judicial Conference meetings where they changed the procedures. It used to be you could go to the Judicial Conference and you could walk right in because who the hell else would be in these rooms. And at this meeting, the Chief Justice is talking about a request he had gotten from a bankruptcy judge in Oklahoma who was looking to increase his salary or his pension. I forget what it was. The judge had come to the meeting. At one point Burger says now who are you? He said I'm the bankruptcy judge, and I would like to speak to this issue. And from what I understand-- I wasn't in the room--Burger got really red faced. Circuit Judge [then Chief Judge] Tom Fairchild told me that. After that there was a sign-in sheet with identification.

GB: I used to talk to Noland about it. He would kind of kid about it even though he was serious. I could tell he was serious. Their thoughts were there were so many federal judges up here and when you expand that, you dilute the whole thing, the prestige of it. The more you make—he is right to a certain extent. If you get thousands, it is not nearly as prestigious as if you have three hundred. His deal was once bankruptcy judges get in, then magistrates, everybody was going to get in this circle which is probably right. He thinks you have to separate them, just like we did at the dance. We had to separate them. (Laughter)

CTF: That is a reference to our short-lived experiment after the bankruptcy judges and the magistrate judges were made members of the Circuit Judicial Conference.

Then Chief Judge Fairchild invited them to the dinner dance at the end of the conference which was traditionally an Article III Judges dinner dance.

GB: It didn't work out.

CTF: We had clearly Article III judges mad at the interlopers and we had some of the magistrate judges and bankruptcy judges upset at being asked because they thought it was a command performance that they attend. So we had managed to irritate both sides and then when Walter Cummings became Chief that ended it.

GB: I still have that letter. I could find it in there if you wanted when I didn't go to the dance.

CTF: Why don't you tell us about that. I would like that.

GB: What was the judge's name. I can't think of it.

CTF: Cummings, Walter Cummings.

GB: I had sent it back and had not indicated that I was going to attend. And you called me on the phone. You said the Chief wants you very much. I tried to explain to you my wife wasn't going to be there, and I didn't want to dance with Judge Steckler's wife the whole time. And you indicated to me at that time that he thought that wouldn't be a proper excuse! And he was going to write to me. I did go to the dance, and my wife didn't go. When I got back I had that letter. It had come since I left, and I still have that letter. He explains to me that this is the number one social event of the year and he wrote on there, absences are decried. I'll never forget for as long as I live. (Laughter)

CTF: And if I remember, you never decried again.

GB: No, never decried again. He missed one time. When he was getting divorced, he never showed up one time. That was different. Different standard.

CTF: So you are appointed in 1979 to the district bench.

GB: Yes.

CTF: Was that a big change for you?

GB: Yes.

CTF: Because you have been specializing in bankruptcy?

GB: Oh, yes, big change. That is a big transition for anybody. I don't care where you have been. I don't think anyone is qualified to be a federal district judge. I don't know any lawyer I ever knew that was qualified to be a federal judge. I don't know any lawyer that has had to deal with that many areas of the law. It is what you get the first day you are there, whether it would be discrimination, bankruptcy, or labor law, or patent law, or contract law, whatever it may be, you are going to get them all. Maybe several of them in the same day. You simply cannot believe for starting what you don't know.

CTF: Had you had many jury trials as a lawyer?

GB: As a prosecutor I had several, several jury trials.

CTF: So that wasn't a problem?

GB: No. As bankruptcy judge I obviously, you know—but I had several. That wasn't a problem. I had been in federal court. I had some cases in federal court.

CTF: In Evansville?

GB: In Evansville. Not many, but four or five.

CTF: And that would have been rotating with Judges Dillin and Noland and Holder, I guess.

GB: I remember I got Noland once, and I remember I got Holder once. I could never forget Holder because Holder was a legend in his time. He lectured and lectured. He got on the defendant because he wouldn't make an offer to settle. I was the plaintiff. I thought it was fun. I thought it was great. He was on this guy's ass. The guy said his people just didn't want to offer any money. Holder practically called him a liar. And said, here, go down to the telephone and tell them you are going to have to come up with some money. The guy said I don't have any change, and Holder gave him a dime to make sure the guy made the phone call. And the guy came back and reported that they didn't want to but they would talk about some money. And then the fun was over, then he started on me. He started twisting me, and he did that for about three hours. And when I left there, I was going to voluntarily dismiss the whole case just to get away from him, you see. (Laughter)

CTF: What was the outcome?

GB: It settled.

CTF: I can understand why.

GB: I settled.

CTF: Did he have that kind of reputation in all his cases?

GB: Oh, yes. Nobody wanted Holder. I wouldn't say nobody, but 99 percent of the lawyers did not want Holder.

CTF: But I assume there were not a lot of pleas in criminal cases because he was noted as a tough sentencer.

GB: You know. I don't know. I didn't do a lot of criminal work. He was tough. He was tough on the government.

CTF: He was tough on the government?

GB: Yes. He didn't like tax cases at all. He had a reputation at least to that. He could be very caustic to lawyers. He could really cut you off. He was so sharp. He was thinking about five steps ahead of the lawyers. He knew where you were going. He would warn you long before you ever got there. I never tried a case with Steckler because Steckler had the reputation as everybody knows as being so slow that things just went on and on and on and on. He never stopped the lawyers, they just kept trying their case. I thought Noland was a good judge. He was very fair.

CTF: Now when you came to the district court, Mike Kearns was appointed to succeed you. Now did you know Mike at all?

GB: Oh, yes. I knew Mike up in Terre Haute. He was a prosecutor up there at that time. He had applied for my job, a district court judge, he was one of the final five. We went through a process. You had a committee. Then you had thirty-five people. Then they narrowed it down to twenty-five people and then they finally got it down to five. Then the five they recommended to Birch and he was going to make the final decision on it. We had to all go down to D.C. and talk to Birch and he gave no indication to anybody who he was going to give the job to.

CTF: He only was close to one of the candidates, you?

GB: He was also very close to Kearns, you know.

CTF: Was he?

GB: Oh very close to Kearns from Terre Haute. Kearns had worked for him there. And one of the other fellows in the final five was a state senator at that time. Bob Fair, he was very close to Bob Fair, you know as close as he was to me. I don't remember who the other two were, but I remember those two most particularly close. So I thought it was a toss up as to who it was going to be. There was a lot of speculation. Reading the papers some days it was going to be me and then some days the other one. He called me on the phone one day. I was sitting there in the bankruptcy office. He said, Gene, I am going to have to get you out of that job as bankruptcy judge. You screwed up about as much as you can do it. I'm going to have to get you out and get you another job. That is how he told me. (Laughter)

There was another guy, a black judge, who was nominated at the same time from the Northern District of Indiana. I can't think of his name.

CTF: A state judge that didn't get out of the FBI office.

GB: Right, so it didn't go anywhere because Birch wanted to do them both at the same time. He made every effort. I think they went back two or three times. I don't know what the hell was wrong. I heard all kinds of rumors. I didn't know what ever went wrong.

CTF: I never did either, but that is what it was.

GB: But it was held up because he wanted to do them both at the same time so at one point in time he decided to go ahead with mine. He was so mad. I don't remember if it was the American Bar or FBI or both, you know. The judge was later killed.

CTF: It was a Lake County judge.

GB: It was a Lake County judge.

CTF: When you got this position, I know that Bayh put in a word with Steckler on Mike Kearns.

GB: He put in a word with me too and put in a word with Noland too.

CTF: For?

GB: Kearns.

CTF: For Kearns?

GB: Yes. He told me early on. In fact, when he came into town, he had called me after he had called me that first time, but he had called me later and said, Gene, I want you to help me in getting Mike Kearns on there. I said sure, anything you want Senator.

He came into town that day to dedicate a new jail in Posey County. There was all kind of speculation the night before, you know, he is coming in to announce. It is going to be me otherwise why is he going to Posey County. The newspaper is trying to put all kinds of shit together. He had called me the day before, but I couldn't say anything. So I had to lie to them. He came into town and did a press conference over at the Federal Building. I rode down to Posey County with him to dedicate the new jail. And on the way down there, he said to me, Gene, I want you to do a favor for me. I want you to try and get Mike Kearns in the job. I like Mike, and so on. And he said, now if you can, there is somebody else I want you to appoint on your staff and he told me who it was. And I knew who the guy was. So I said ok, I will.

So after that he had gone to Steckler for Mike getting started. At that time, Steckler just wouldn't hold a meeting. If the numbers were not right, the voting just right, he would not call a meeting until he got what he wanted. Then he would call a meeting. It would make them all madder than hell. Of course, they would all work behind his back. Steckler, of course, was not a politician. Dillin and Noland and Holder were. Steckler was oblivious to what was going on behind him.

CTF: A lot of times it was lined up Dillin and Steckler against Noland and Holder.

GB: No, not really.

CTF: That is what I understood.

GB: No. They tried for a long time to get a judge down here, a federal judge down here. Steckler did. He thought we had a need. Need didn't really change much from '78 to '79. Do you understand? And every year Steckler would—I know this because they told me later, Noland told me later, every year Steckler would laboriously go through this thing and fill this all out, how many hearings, all this kind of stuff.

CTF: He had a hard time just going to the council just sending numbers.

GB: He would always screw up, very, very detailed, I am sure. I never saw it. And then as soon as they knew, he would bring it up at the meeting and say I am putting in for a new one. And Dillin would go back in his office and Noland would go back in his office. Dillin would call the key people in Congress that he knew, whether it would be Vance Hartke or someone else. And Noland would call Bayh.

Also, Noland's close friend was Andy Jacobs, who was a Congressman from Indianapolis. Now Andy's Dad and Noland's were in business for many many years, so they were very, very close, Jacobs and Noland.

CTF: Although Jacobs and Steckler were not.

GB: No, they were not.

CTF: I don't know why.

GB: I don't know why either. But anyway, Noland would call Andy. Andy was sort of against high government spending anyway. He didn't want another Judge. So, he would convince Andy, it wouldn't take much, that whatever Steckler said, don't pay any attention to it, it is a bunch of shit. Here is the truth. You know they twist those. (Laughter)

CTF: Do you remember any big bankruptcy cases?

GB: A big hotel called the Executive Inn, over here at that time, owned by Bob Green, who is a local businessman. I remember his lawyer came in to see me one day and said my client, Mr. Green, wants to buy that hotel. And I said fine. He said he is willing to pay you whatever it is appraised for. I said fine, but we have several people interested and we will have to have a public sale. He said he doesn't want a public sale. He wants a private sale. He said if you are not interested in a private sale, he is not interested because he doesn't want to wait that long. I said I can't sell it to you privately. My God, I am going to be criticized like hell if I do that. You know, they are going to say all kinds of things. If I didn't have anybody interested, I could possibly do that; but I have four or five people interested.

So I had a public sale. I didn't go down there on the date of the sale. I believe the trustee was there. The trustee I appointed was a former bankruptcy judge, William Powell, the one who didn't take the job. I appointed him as trustee. He called me on the phone. He said, Gene, you have to come down here. I said what is wrong. He said we have no bidders. I said what! We haven't had a single person bid. I said you are kidding. He said no. I said we have all kinds of people in the office getting information on it and everything. He said we haven't got a bidder. I said ok I will be right down. So I got down there and he said what are we going to do. I said I have to make a phone call. So I went to the telephone and I called over to the Executive Inn and I said I am looking for a Mr. Bob Green. They said he is down at the barber shop. I said can you hook me into the barber shop, I need to talk to him right away. I said, Mr. Green, this is Gene Brooks. He said, yeah Gene, what can I do for you? I said I'm over here selling that hotel today. Oh, he said, is today the sale. I said, yes. He said, what did you sell it for? I said that is why I am

calling you. I said we haven't had anyone bid on it. He said you are kidding. He said how much can I pay for it to get it. I told him, and he brought a check over. He paid me a cashier's check for the hotel and he bought it.

He was going to use it as a carry over on his other building that didn't have many rooms, and he was going use the McCurdy as an overflow. He called it the Executive Inn and he did it for about six months. The Executive Inn called him one day and said you know you are violating your franchise agreement. You are not allowed to do that without our authorization. And he was sort of an opinionated type of guy and he said you can take that big E and you know where you can stick it; and he put on there—I don't know what he put on there—but it wasn't the Executive Inn anymore. I think he called it the Radisson. That is how it eventually became that.

He eventually sold it to a nursing home about a year later. He got four million dollars on the God-damn thing. I sold it for \$700,000.

CTF: Which was the public appraisal?

GB: Yes, the public appraisal, \$700,000. I didn't own the ground. The ground didn't go with it. You had to lease the ground. So he made all kinds of money. That is still a big bankruptcy case that eventually turned up some money not in bankruptcy.

CTF: What about in the New Albany or Terre Haute areas?

GB: Never had anything that much like this. I don't recall any Chapter 10s or 11s anyplace else. There might have been some, but I just don't remember.

CTF: Did you have many farm bankruptcies because of the high inflation?

GB: No. I never had a single one.

CTF: What about as a district court judge?

GB: Well, I had two cases that went to the Supreme Court at the same time, same term, that was unusual that there were two there at the same time. They ruled correctly on one, and goofed up on the other one. I always got Justice Stevens' vote.

CTF: What were the cases?

GB: One was the reapportionment. Noland and I and Pell.

CTF: Did Pell dissent?

GB: Pell dissented.

CTF: Now, how would I guess that.

GB: But the Supreme Court recognized for the first time that there could be gerrymandering. And recognized it for the first time. They said it wasn't in this case because he didn't have enough experience with it time wise. But they recognized the first case that it could be. But they reversed. The other case was a prisoner case out of Terre Haute.

CTF: So you upheld the Indiana statute, the redistricting? It was two to one?

GB: Yes.

CTF: And then they reversed it.

GB: The other was a prisoner case out of Terre Haute.

CTF: Did the reapportionment case come back to you then?

GB: No.

CTF: They just drafted a new statute that did or did not get changed?

GB: Yes. The other one was a prisoner case out of Terre Haute that had to do with a violation of his constitutional rights. They had informed him that he was going to be charged with two or three things, and when he went to the hearing two weeks later, they had seven things they charged him with and kept him in solitary confinement for a long period of time. And he filed that it was a violation of his constitutional rights, and I upheld him. The government appealed. The Supreme Court agreed with me that they failed to advise him of his rights properly.

CTF: Which way did the Seventh Circuit go?

GB: The same way. I think one of the toughest cases I had in the Seventh Circuit—I counted the other day—I sent my book off to be published—I hadn't heard anything, but there must have been two or three revisions and when I went through and saw how many cases I had up there and so forth. I started analyzing judge by judge but that was just too God-Damn much! I quit that shit. It didn't make sense. But I think I had about 200 up there when I was judge.

A criminal case I had early in Terre Haute on from Judge Sharp involved a murder in the penitentiary. A guy accidentally dropped some barbells on a guy at that time.

I remember in the trial there was a lot to deal with the Mexican mafia and there were some letters and so forth. I remember this controversy over this letter. I didn't want the jury to hear anything about the Mexican mafia. I didn't think it was relevant. There was a two-page letter and only part of it might be relevant. They convicted him.

About a week later, there was a lady in the courtroom who was an attorney and a friend of hers was trying the case. He was defending one of the defendants, and she had gone to jurors because she was upset because her boy friend had lost the case, and she wanted to know how in the world they ever came up with a decision like that. Two or three of them had told her well, the connection with the Mexican mafia had convinced them. I called the jury back. It was the only time I ever did. Not asking them how they voted, but did they ever see anything dealing with that. I don't remember the exact count, but it was about 50-50. Six of them thought maybe they did but don't remember how and the other six didn't recall any conversation at all about it. We never did find the part of the letter and any of the things that got back to the jury.

Here is what I did. Here is what I was doing at that time. It was a fairly long trial. I would let the jury from time to time take in the exhibits before the trial was over. Look them over on breaks and so forth. Look at them without discussion, just look at the exhibits. I'm positive on reflection of what happened was that both pages of that letter were put down on the court reporter's desk and she didn't know or somebody didn't know or the attorney did it on purpose and it got back. Then when it came back in, it disappeared. It wasn't there anymore. We didn't have it. It didn't go back in the final deliberations, but I think somebody had seen that at one point in time.

When it went up to the Seventh Circuit, they reversed it, and they were very critical of me for letting the jury see any of the exhibits before the trial was over. They said it was not a good practice. I was doing it to help the juries expedite the thing. You know they get a feel for it. Some judges do and some judges don't. It went to en banc and they reversed the panel. Obviously the first three judge panel said the jury was so tainted and so forth, it couldn't stand up. And the entire court reversed it. I think that was the toughest case I ever had.

CTF: What was that case? Do you remember?

GB: No, I can't tell you.\*

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\* *U.S. v. Bruscano*, 662 F2d 450 (7th Cir. 1981), *aff'd en banc*, 687 F2d 938 (7th Cir. 1982) *cert. denied*, 459 U.S. 1211 and 459 U.S. 1228.

GB: Somehow they saw it. It wasn't redacted. It was just two parts of the letter.

CTF: And the second part added to it?

GB: Right. I'm convinced to this day that somebody saw it at one particular time, but it wasn't there when the trial was over and when all the exhibits went back because we checked and checked and checked. I stopped--

CTF: Was the defendant or the victim in the Mexican mafia?

GB: The defendant. From that point on I never ever let them see any of the exhibits.

CTF: (Laughter)

GB: I didn't want the same thing to happen again. Go up there again and they told the idiot once before not to do that. So I just stopped that practice. I thought it was clever. A lot of judges said they wouldn't do that. That is one case I really remember up there. There have been a lot of good cases. Some of them I lost I thought I should have won absolutely. Some of them I won and I don't see how the hell I ever won. I thought I was reversed. I did what I thought was right. You know I can't win. I remember I had one with the Indiana High School Athletic Association. I had one with volleyball, and I ruled that the athletic association was right, and I had one with baseball, I think, and I ruled for the athletic association. When it really got serious was with a golfer. That was the end when they interfered with the guy playing golf. That is going to be a traumatic thing--

CTF: Now the golfer was the one that transferred schools because his parents were divorced?

GB: You remember that?

CTF: Yes.

GB: How do you remember that?

CTF: I just remember it. It was pretty interesting. It just seemed to me when parents divorce, and they decided he is going to live at another school, it is pretty hard to argue that that is gerry rigged. It might very well be, but it is down to two schools.

GB: I remember that the law clerk said that there is no way in the world that you can do what you are doing. I said I don't care. You find me something because I am going to grab on to something because this is too much. This is really an overkill. He found an old case that had something to do with family values. That was the

gist of it, you know. You know, what are you doing here, my God you are interfering—here is a family that is trying to do the best for their kid. They have no motive, no ill motive intent. They are not violating any law. They are trying to do what is best for their child. That was the gist of the argument. I sent that up there like that and I got mad. I guess I got the luck of the draw. Because judges think it is the luck of the draw. It depends on what kind of case it is. The court upheld me on that one.

CTF: What was the basketball one?

GB: I don't remember. I remember there was a dissent also. I remember Posner dissented.

CTF: In the golf case?

GB: He said, I will never forget that, he said that the judge's reasoning on constitutional law is close to being bizarre. (Laughter) And I thought, you son of a bitch, you are right. He is absolutely right because I thought it was kind of bizarre myself.

CTF: I've noticed you haven't framed that language up and included it along with your plaques.

GB: That is what he said. He said bizarre. And some opinions I thought I was funny. I think I was funny. One time I couldn't resist. This gal filed for a sex discrimination case. She was alleging that she worked for the county sheriff. And she was pretty tough. They were pretty tough. It was a mutual thing. They had night sticks they carved for her in a certain shape and all kind of things. And she had done things for them. She had gotten fired and she decided it was sexual discrimination.

CTF: Oh, she was the one that—she was dishing it out as well as she was taking it.

GB: Yes. No question. But anyway, one word they used throughout the whole trial all the time was—they were just calling each other names, mother-fucker this, mother-fucker that. They would just cuss like crazy. So when I wrote the opinion, I put in there they used one word in this trial and I will not use it in this opinion. But if you look at Webster's Ninth Edition Dictionary between mother country and mother goose you will find it. See I thought I was very clever. (Laughter) And Manion wrote the opinion. Manion wrote the opinion. When I got it, there wasn't even any mention of it. And I thought, God, I thought that was pretty clever. So I called him. I called him on the phone. And I said, Judge, I got that opinion today. Yes. You know how he is. He is matter of fact. He said what did you think of it? I said well, to be honest with you, the reason I am calling is because I said some really

funny things in my opinion, one thing in particular. He said I know what you are talking about. I said I thought you would make some mention of it. He said it wasn't worthy of mentioning. (Laughter) That was the end of the conversation. So I don't think he liked my humor too much.

But judges are sensitive. We take it personal on appeals. We think why this judge didn't like us. He didn't like this thing. He doesn't understand. I don't think there is anything. I really don't. One time, I thought, honestly, after I had that run in with Cummings, you know, it seemed like I had two or three cases with him, and he socked me every single time. And I got to thinking he wouldn't do that to me just because of that dance, would he? But you have to blame it on somebody. Once you get reversed you can't just say it is me. It has to be somebody else.

CTF: It could be the law clerk?

GB: Could be. It always is the law clerk if you get reversed. But one time we had a case that was really close. The law clerks and I argued back and forth for a long time on it. One day the Court of Appeals deputy clerks call you on the phone. They will say I wanted to tell you what happened in your case, and he said that you were affirmed. The law clerks were high fiving, you know. Ten minutes later, the honest to God truth, the deputy clerk called and said I'm sorry I was reading the dissent. (Laughter)

CTF: This is when one of the deputy clerks in the Court of Appeals calls.

GB: Yes. Right. (Laughter)

CTF: That is a great story.

GB: That is a true story.

CTF: I will have to tell it to Gino Agnello.

GB: Yes. It was wrong. So the high-fives quit.

CTF: Are there any civil cases that you remember?

GB: Yes. There is one in particular. It had to do with a child that was born brain damaged. Born in a naval hospital in Virginia. Shortly after birth, within three months, they moved back to Indiana. He was in the Navy and they noticed the child was not performing right. They finally concluded that it was brain damaged at birth and so did the Navy.

I had eleven doctors that would testify in person or by deposition and they had the fetal monitor strips running the entire length of the courtroom. I remember that. I would go down there and the doctor would show me where the problem was and I would have him put his initial. Most of them you had difficulty understanding. You had to X it. Here is the problem right here, and they would put their initials there. I get another doctor in and he would go down the monitor strip and he would go right by it. I said wait a minute where are you going? He said the problem is down here. I said how about right here. He would say no problem there. And that is how you had all eleven doctors testifying one way or another.

The interesting part of it was that it was in Virginia. Virginia had a cap like we do. Not the same cap. I think they had about \$500,000 at that time. We only had \$250,000 in Indiana. One of the big questions was first of all does the state cap apply in the tort claims act, and how does it apply if the government doesn't contribute anything to any kind of a fund. Or would it be the Indiana cap? Which one would apply? So I ruled. I gave them the maximum, whatever Virginia was at that particular time. The government was going to appeal that case, but they decided not to. I guess it is still the law. Some were not even applicable. The state law shouldn't apply at all in that particular case.

CTF: What year is it that you become Chief Judge?

GB: I have to go backwards with Sarah. This is her seventh year.

CTF: Yes. I think it is in January. She came on board in 1994.

GB: I left in December of 1996. She was obviously Chief before I left. 2001 she will be up. So she must have started in —

CTF: 1994.

GB: So I was seven years immediately prior to that '87 to '94, I guess.

CTF: Now how was that being Chief?

GB: It was better because I was down here and they were all up there. It was like herding a bunch of cats. We were all equal. There are no chiefs among district court judges. It had its advantages, me being down there and them up there. But it is a pain in the butt for me to travel to get up there. It took me all day, if I fly and go up there to the meeting and so forth, I have lost a whole day. The most they lost if they take time out for lunch and they go right back to work. I used to get a little bit ticked because I would get up there and two of them were busy because they

had trials and they couldn't go to the meeting. Here I had to take the entire day off and they couldn't make it.

But there was a feeling that the chief tries to take care of his local people. If you are out of the division, you are sort of a step-child in terms of your probation officers and the support people in the clerk's office. They don't get the same treatment. I tried to help them more so and I did because I wasn't down there. But you know, it is a thankless job. I never was hands on. Now Sarah is more hands on than me. I doubt Steckler was ever in the clerk's office. If he did, he probably made a wrong turn. I would go in. Everybody has a different approach. I would go in and talk to the people in the clerk's office and sometimes I wished I hadn't. See what problems they had and try and keep communications open. They wanted to call me and that was bad. Shit, you become pen pals, you know. You get too close, and you are better off staying away entirely. But I think it went fairly well. We tried to make some changes, and I tried to keep open about it. I think early on—see I knew Tinder when he was a U.S. Attorney. Of course, I knew Sarah when she was a U.S. Attorney and I knew the rest of the judges. I think Tinder particularly and maybe McKinney thought it was a political thing that I wasn't going to make them get treated fairly or something was going to happen, but I tried to make absolutely sure there wasn't any politics from my standpoint in running the court and I think I gained both of their support in handling it in a bipartisan manner.

CTF: One of the things that was always true for at least a real long time was that every clerk and almost every chief deputy was one of the judges' minute clerks. That was just the normal progression.

GB: We got criticized heavily. One of the first things I did was have the Administrative Office come in and analyze the office and that was number one on the list. You are hiring the people from within, which is a great idea, but it is all the judges' deal, you know somewhere along the line. And their response was it is a hell of a lot better than some of the people they have hired. (Laughter)

CTF: We have had some problems.

GB: We got into a big deal like that one time. As you know, we have had our share of problems with the clerk's office over the years.

CTF: Yes, I do. I remember Art Beck way back. And Bill Heede.

GB: Everyone suspected Bill Heede, ok. We talked about him one time. Holder hated him. Holder and Steckler didn't get along. They talk and you know it was one of those deals, unfortunate.

CTF: Bill Heede had been Steckler's clerk.

GB: Sure. But I remember Holder saying he is a damn queer or something like that at a meeting and he is going to cause us trouble. What can we do? Can we fire him because of that? We would be in more trouble than they are. So we didn't do anything. Well, we find out one day, he got in trouble. And Holder said I told you so. And of course we got him to resign.

Then after that, who do we get to take his place. Here we go again. Noland wants his courtroom deputy, O'Neal. And Dillin wants his courtroom deputy which is Jim Tyre. Jim Tyre had been down there before under Heede and so we worked out a compromise that you understand that Tyre would stay in for a reasonable period of time and we work O'Neal into the deal. O'Neal would be second. Time went by and Noland said to me I think a reasonable period of time has gone by and Dillin said to me I don't think so. So we didn't make much progress on that thing. We didn't want to get involved. The rest of the judges didn't want to get involved. So we just stayed out of it and tried to encourage them to work it out which eventually we did. Eventually, I suggested to Tyre one day because it wasn't going to work. Tyre, actually if they would have found out, didn't do anything: crossword puzzles and watched TV for about a year and a half. We thought something was going to happen. As Chief Judge I told him one day you ought to really just think about getting out. He agreed and called and retired. Tyre retired. So that is how we got out of that situation. Then we got into another one. Of course, O'Neal didn't get along. He had two or three deals with Sarah. That was not going to work. He knew ahead of time. If he was there when Sarah took over, he wouldn't be around much longer. So we called him "Old Benedict." Old Benedict went over and got a job with the Bankruptcy Court. He jumped ship before that happened.

CTF: Right.

GB: Then we left it up to Sarah. Sarah always thought that someone was going to try and mess it up, not go for her people. We didn't care, Democrat or Republican. We are trying to do what you are trying to do, hire the best qualified person for the job. So she had this gal which she really thought was tops. She was a clerk down in Bloomington.

CTF: Vicki Tevenow.

GB: We hired her and that was going to be Sarah's gal, you know. And of course, you know what happened there. I remember she was at the Seventh Circuit meeting right after she was appointed, and she invited us up to her room, me and McKinney and Tinder and had a drink. You know, after all of this happened, a year or two

later, Tinder said he called one time and said I am just thinking about that time we were all up in the room. I said what are you talking about all up in the room. He said you know what I am talking about. McKinney, I, and you. I said I was never in the room. I don't recall McKinney. I remember you going up there. Oh, my God he said. (Laughter) But anyway, Sarah got all of it. And that is where her and Tinder really had it out. Tinder was doing his own private investigation. I wasn't doing anything. I didn't want to get involved. She knew what he was doing. She was mad at him. It just became a really bad situation. She quit and we got another one.

CTF: Which ticked off Allen Sharp? Jerry Crockett who was recently appointed Clerk in Northern Indiana applied and was appointed in Southern Indiana.

GB: We told Sarah at the time that you have to check with Sharp. She didn't want Sharp to know anything. I said that is not right. You cannot do that. We wouldn't want somebody to do it to us. We never knew if she called him or not and told him in advance.

CTF: Laura Briggs is doing a nice job.

GB: That's what everybody says.

CTF: She is sharp. We have had no problems on the other side too.

GB: On the what?

CTF: On the bankruptcy side.

GB: Really?

CTF: No, we did.

GB: Oh, before?

CTF: Yes.

GB: Oh my God, yes, sure.

CTF: After Sam Connors, the Bankruptcy Court had hired Dennis Burton, who had worked for me, and I recommended him.

GB: Yes, I remember him. I don't remember much about him.

CTF: A very competent person, but he needed to be supervised.

GB: Yes, but everybody has his problems.

CTF: But John O'Neal is doing a nice job with the bankruptcy court as far as I can tell.

GB: Yes, he is happy.

CTF: Good.

GB: But I don't get up there much anymore. I still talk to Tinder. He is about the only one I really talk to. I did stop by and see Sarah.

CTF: Why did you decide to leave?

GB: Two reasons. One is that I felt like I was either going to take senior status or leave entirely. I had some people. Evan Bayh had contacted me. And my friend, Lee Hamilton, called me because we used to keep in contact, and said, Gene, you know, we are not trying to push you one way or the other, but if you do, please let us know so we can get started. When Evan came down for this naturalization, we talked in the office, and there was this fellow in there at that time by the name of Richard Young. He was sitting in the office, and Evan said, Gene, if you retire, or take senior status, let me know because I want to get this man in. He had already decided he wanted him in. So in all fairness, I wanted to do it with a Democratic president at that time. I didn't know what was going to happen to Clinton. If I was going to make the move, I was going to do it at that time.

Then one day I got a call from a fellow by the name of Bill Brooks who died earlier. He said I want to have lunch with you. I said fine. I want to talk to you about something. This would have been about early part of summer of '96, maybe a little earlier. He said, Gene, there is a new law firm that wants to open up in Evansville from Kentucky. They have offices in Louisville, Henderson, Owensboro, Bowling Green, and Paducah, and something like that. He said I know the fellow that owns it, and he has been my lawyer for a long time, because Bill Brooks had a farm over in Kentucky. He said I don't know if you know him or not. I said no, that I don't know him. And he said he wants to open up a law firm, and he wants to see if I could give him a list of lawyers that might be interested in it, to get some experienced lawyers to open up a law firm. He said could you give me some names. I said yes, No. 1 would be Gene Brooks. He said you? I said yes. He said you would do that. I said, if the money was right, I would do it. I might want to change. I could retire. If the money was right, I certainly would be interested. He said oh, shit, I think he would be interested in that. I gave him a list of two or three other lawyers. I never heard anything for a couple of months.

Bill called me one day and said that this Sheffer wants to meet with you. Can you come over to Henderson, Kentucky, it was right across the river. He said I will go over with you. So we went over and just talked. He said are you really interested in this. I said sure. Make me the right offer. I have got a child, a college kid. I'm starting all over again. I'll be interested in making money and I can still get my pension full time. He said let me see what offer you are interested in. This was some time in May or June or July. And he called me again and told me what he would offer me and so forth and when he wanted to open the office the first of the year. I told him I wanted to sign a contract. I didn't want a six-month or a one-year. I wanted a five-year contract. So we eventually made a deal.

The first thing I did was go back to my office and see if he had any cases involved in my court. As a matter of fact, he just had one. It was a God-damn case, it was a case that had just been filed involving a nun, a sister, up at Saint Meinhard. She had signed a letter to the Pope among other people about the nuns being priests. They fired her. She had filed a law suit and he was representing her. That is the only case he had. I immediately told the magistrate judge. The magistrate had it and I never saw the file after that. In fact, it was transferred out. Judge McKinney got it. The state court got it. He lost it.

CTF: He lost everything?

GB: He lost every step of the way, District Court, Indiana Supreme Court. I think he is trying to get cert. I don't know how he is going to do that.

I retired effective December 31, 1996. I did not work on January 1 at all and I came to work here on January 2. I took one whole day off just to relax.

CTF: Watched some football?

GB: Watched some football. And then I started downstairs in a little office, just me and A.J. He hired us both. We were the only two down there. We were fixing up this. And we had the other people. They are all lawyers who have been in town here for several years doing various kinds of work. So I have been here almost three and a half years.

CTF: What is the nature of your practice here?

GB: It is pretty general in nature. A lot of it is keyed to federal stuff. I had a two-year understanding. I think there are some decisions that I can't go over there to the federal courthouse and do anything and I didn't. I have never been over there since I left. I probably will because they are getting ready to indict two of my—I do some

criminal work. A.J. and I just finished a trial with a state trooper and lost. Reckless homicide, driving 120 m.p.h. and killed a guy.

CTF: In a police vehicle?

GB: Yes.

CTF: Was he in a chase?

GB: He said he was. Never found. Nobody saw it. People going down the highway never saw a car pass him.

CTF: Was it a criminal or civil case?

GB: Criminal. Judge sentenced him three days ago. Two years in prison. A young trooper 25 years old. It's terrible.

It is kind of different. Do you know what I have been doing? We have two young attorneys and I have been helping them going over with them to courts and different things. Just kind of getting them familiar and, of course, I know all the judges. And it gets awkward at times because the judges call me judge and then the other side doesn't know what the hell is going on and they catch themselves. In fact this prosecutor was having this case, he told the judge I have a motion in limine that you don't refer to him as Judge Brooks during the trial. He said I am not going to, but some of them do. One of the judges over there is one of my former law clerks. I get over there once in awhile in his court which is different. Now I am doing this criminal case. It's a white collar case, mortgage deal. I am dealing with an assistant U.S. Attorney who was one of my former law clerks. So it is kind of different. And I don't get any good deals. In fact, I get worse deals because they are so conscious.

CTF: Of the contact?

GB: Yes. They give me nothing.

CTF: Do you miss the federal bench?

GB: At times. To tell you the truth, I don't miss the bench as much as I do the other judges, the meetings, and so forth and so on. I have some contact. I have more contact with Judge Mihm because Judge Mihm and I were good friends. He calls me and I call him from time to time. In fact, I have been doing quite a bit of bankruptcy work. I am doing a big Chapter 11. Now I hope you are not with

American General Finance which is a big outfit here. Their national office is in Evansville. Have been going to Chicago a lot dealing with that firm up there.

CTF: Who?

GB: McDermott.

CTF: Oh, McDermott, Will and Emery.

GB: Yes. I have been dealing with a guy in there on that, Dennis Murphy. There was a deal there I didn't know at the time. When we got into it there had been a case filed by the guy we sued in an adversary proceeding in bankruptcy over in Peoria. There was a question whether he was going to dismiss that suit after bankruptcy was filed and so forth. Judge Mihm had ordered that if he didn't dismiss that suit over there the judge was going to do it himself. And the guy was ejected. So I had to have a telephone conference with Mihm. He hears this guy give his little spiel. Judge Mihm says Attorney Brooks what is your view on that. He said I am going to hold this under advisement for another thirty days. So it is different. It is a lot of fun.

CTF: Actually we didn't mention Gino on the other tape. We have mentioned your other three kids.

GB: His birthday is March 17<sup>th</sup> on Saint Patrick's Day. He is sixteen years old. So everyday he is looking for a vehicle. He is in driver's education. So when school is out, another month, and he will get his real license, and he wants me to get him a vehicle. I am thinking about a tank. That is about the only thing that is going to help him. (Laughter)

CTF: He probably wouldn't accept one of those little electrical, battery-operated cars?

GB: You understand I have been through this three times before so it is not like I'm brand new at it. I always tell the true story about Greg, my other son. You always tell your kids, whatever you do, don't let anybody drive your car. I'm sure you have told your kid that.

CTF: They never had a car.

GB: Oh they never had a car?

CTF: They never had a car until they were old enough to buy it.

GB: There are all kinds of problems involved with that. Greg was not a very good driver. In fact I bought him an old Pontiac for his first car. He drove to school the first day, and the police called and said, Gene, your son has hit the flagpole up at school. So he didn't even make it very far.

But one night when I lived up in Mount Vernon, I only lived a block from the police station. And of course, I knew them all from years of being a prosecutor. The police called and said your son wasn't in the car. It is just his car. He loaned it. Let some kid drive it and he lost control and he went up and hit a house. Your car is now located in the side of the house. It is a brick house and probably your car is sticking inside the house. I went over to the police station and there is Greg, a sophomore in high school and this kid he let drive the car. I said, son, how many times have I told you not to let anyone else drive your car. He said I know. He gave me some explanation. Son, I am going to tell you, you are smarter than I thought you were. He said what? I said, son, you are brilliant. I said I never would have thought that of the thing you just did, but you have done the most brilliant thing I have ever seen in my life. He said what do you mean? I said when I told you not to let anyone drive your car, I meant don't let anybody drive the car except the son of my insurance agent, and you let the son of my insurance agent drive the car and that is ok. (Laughter) I settled it. I didn't have any problems at all. They never raised my rates. So I always tell my son, now, if you are going to let anybody drive your car I will tell you who my insurance agent is. If he has any kids, you let them drive it. (Laughter)

CTF: How happy were the owners of the brick house who had the addition put on?

GB: They were so upset, they wouldn't let anybody remove that car. I tried to go and get the car the next day. No, nobody was going to move that car. They wanted pictures and everything. I told them everything was going to be taken care of. They said sure it was. They fixed it up.

CTF: Gene, what motivates you? What makes you tick? You have been a practicing lawyer, you have been a prosecutor, you are a practicing lawyer, you have been a bankruptcy judge, district judge, what motivates you?

GB: First of all I like people very much. I like being around people. I like being successful. I never had much. I think that motivates me to do things. I try to satisfy people and the same time I satisfy myself. I think, if I do that, I will be successful. I guess I like material things too. I like to buy things and I have always liked to take trips. I have taken trips ever since I didn't have any money—I borrowed money to take trips with the kids. I took my children to the Olympics in Mexico City. Drove to Mexico City in 1968, in October of 1968. We have always taken trips all over the country. I have pictures of every state except Alaska.

CTF: You've never been to Alaska?

GB: Never been to Alaska. I want to go. My wife says there is nothing there except pretty scenery. So I don't know if I'll ever get there or not. I don't know if we are ever going to make it. I would like to. I keep on getting brochures on it. But I think that is what does it. I am very competitive, very competitive in sports. I don't like to lose. Even today in golf.

CTF: What is your handicap?

GB: 13. I got it as low as 9. That is the lowest I have ever been. I don't like to lose. I think I can lose all right and be ok, but I don't like to. I'm unhappy about it.

CTF: Just at that time, or for awhile after.

GB: It sticks with me. I don't like to lose. I never was near as bad about losing a case. Even when I was a prosecutor I could get over that. I never thought about that. I'm just talking about sports. I'm very competitive in sports.

CTF: Is there anything else you would like to add?

GB: No. Thanks for coming down to talk with me.