

THE ORAL HISTORY

OF

**ALLEN SHARP
SENIOR DISTRICT COURT JUDGE
of the
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA**

AS TOLD TO

**COLLINS T. FITZPATRICK,
CIRCUIT EXECUTIVE OF THE SEVENTH CIRCUIT**

2007

We are indebted to Deputy Circuit Librarian Barry Herbert for his assistance in the editing and publication of this oral history, and to Judge Sharp's Secretary, Sonia Flores, for her efforts in converting hours of audiotape to text.

Today is September 6, 2007. We're recording Judge Sharp's oral history. We are in the chambers of District Judge Allen Sharp with Steve Ludwig, the District Court Clerk and Collins Fitzpatrick, the Circuit Executive.

CF: Judge Sharp, why don't you tell us where your paternal ancestors came from as far as back as you can remember?

AS: The Sharps were, as I understand it, it's a little bit vague, were Yorkshire men in the north of England. There was a William Sharp that came to Virginia in the 1600's. That's about all I know. They immigrated through the Cumberland Gap in Kentucky and Tennessee. My great-grandfather, Thomas Sharp, came north out of Kentucky just before the Civil War in the 1850's and settled in and around Columbus, Indiana.

CF: So there was a number of Sharps in between.

AS: Yes, obviously, and I don't know anything about them.

CF: You don't know anything about that at all?

AS: Not really. Generally, if you look close you find something that you don't want to know, so I haven't looked. On the other side, my mother's brother

set us a little thin in some generations.

CF: Let's talk about Thomas Sharp.

AS: I know less about the Sharps than I do the Williamses, but my mother's a Williams. No, I know a good deal more about the Williamses.

CF: But how much do you know about Thomas Sharp?

AS: The only thing I know is that Thomas Sharp had five sons and my grandfather, Samuel Sharp, was one of them and he had five sons.

CF: Where did they live?

AS: They lived in Bartholomew County in Columbus. My grandfather was county superintendent of schools in the '20s and his name was Samuel Sharp. Once upon a time he was superintendent of schools in French Lick, a job he liked very much. His brother was county auditor, my great-grandfather on my grandmother's father's side, she married Samuel Sharp, was a Dinkins, and he was sheriff. Some of the Sharp children were born in jail. Of course, the sheriff lived in the jail back in those days. That was one of the perks. One of my cousins is Paul Dinkins who was president of the Irwin Union Bank in Columbus for years and a friend of a major

administrator of all the Irwin and Sweeney money in the area, Joseph Irwin. J. Irwin Miller just passed. He was head of the Cummins Engine Company.

CF: So the money came from Irwins?

AS: No, the money came from the Irwin family that owned the bank and Clessie Cummins was a chauffeur of William G. Irwin who was also the Republican national committeeman back when it didn't mean anything. They financed Clessie Cummins and the Cummins Company and then ended up owning the whole thing and still do.

CF: Before your grandfather was school superintendent, was he a teacher?

AS: Both my grandparents taught in one-room schools; one in Johnson County and one in Bartholomew County, and the grandfather that became the superintendent had taught in various schools, went to Indiana State Normal School in Terre Haute and got his degree, or certificate, whatever it was in those days, and he and I became fairly good friends in his old age. I used to mow his yard and do stuff for him.

CF: Do you know where he grew up?

AS: Yes, he grew up in rural Bartholomew County?

CF: On a farm?

AS: Yes. One of my professors at Indiana State Teachers College had taught in a one-room school in Bartholomew County as a beginning teacher, and I have — he lived to be 103 years old. You can relate to that. He wrote me a letter of our grandfather visiting the school when he was superintendent and an evaluation of his personality and the way he did things. Not warm and fuzzy, it's not a warm and fuzzy period. He was very stern. He mellowed in his old age which I guess all of us do. He was very happy that I went to college. He was happy that I went to Indiana State Teachers College to start my college education. As a result of that, he and I became in his old age very friendly. His name was Cloyd Anthony.

CF: Did any of his parents go to college, or was he the first to go to college?

AS: No.

CF: He was. What moved him to leave?

AS: I don't know. He had a stepmother that was very influential with him. I think her name was Rebecca and he talked about her some. I don't know. He was obviously ambitious. He raised a family of two girls and five boys on a very modest salary. He was county superintendent of Bartholomew

County in the Twenties. I don't think he ever made more, at most I think it was \$2,000 a year. I think it was less than that. He had these children and everything. He never had a lot.

CF: The Twenties were a time in Indiana history when the Ku Klux Klan was fairly strong.

AS: Very much in the Twenties. It had a profound influence when Albert Beveridge ran for the U.S. Senate and got defeated in 1922 by the Klan which supported Sam Ralston, and then in 1924, the Klan supported Ed Jackson who was a Republican. I think the remnants of the Klan were somewhat influential as late as 1926, and then D.C. Stevenson and Madge Oberholtzer took the Klan out of the political agenda pretty much. Then Stevenson went to prison for the death of Madge Oberholtzer.

CF: Did your grandfather ever talk about the Klan?

AS: From what I can remember, both my grandparents were very strongly against the Klan and neither one of them had anything to do with it as far as I know. It was not uncommon for political types to have taken advantage of the Klan, but I don't think either one of my grandparents did. I'm quite sure they didn't.

CF: What did your father do?

AS: He tried to be a minister.

CF: What religion?

AS: He went to Cincinnati Bible Seminary. I was never close to my father. I can't claim to be close to him. I wasn't. He and my mother separated when I was five years old, which was uncommon at the time, and I lived with my grandparents for the next seven or eight years.

CF: Did your mother live with your grandparents?

AS: My mother was still alive. Grandmother died in 1940 and my mother was ill.

CF: So why don't we then jump back to where did your grandmother and grandfather, the Williamses, come from?

AS: They were from Johnson County, the next county south of Indy.

CF: I mean how did they get over here? On the boat?

AS: Oh, OK. The most recent person to come across the ocean in our family that

I know of is a man named William Edmunds. Born in London, I think, in 1840 or '41. He came in the Fifties as a very young man.

CF: By himself?

AS: By himself as far as I can tell and he ended up in Tennessee just before the Civil War and he got drafted into the Confederate Army, and was wounded. I'm not sure where but I think he was wounded in one of the battles in Tennessee, but I'm not sure of that. He lived to 1903, I think.

CF: Do you have any idea how he got from – did he come through Ellis Island?

AS: I don't know how he got here.

CF: And he died in 1903 in Tennessee?

AS: No, he lived in Indiana. He came north after the Civil War, and married my great-grandmother. So my great-grandfather fought for the Confederate Army.

CF: But you don't know what motivated him to come north?

AS: I know that he's buried in Franklin, Indiana. I'm aware of that. And my

mother's oldest brother, who was a very good friend of mine, said that he remembers talking to him about the Civil War. He was wounded a time or two and I always thought that was kind of interesting. My great-grandfather, Henry Williams, was a person I really would like to have known. He was a mover and shaker. He owned a lot of land. He was very successful. He rode the value of the land up. He came to the north part of Johnson County virtually broke and by the time he died in 1917, he had 1,000 acres of land in what now is suburban Indianapolis. The land's worth a ton and he was well enough off that they had to file a federal estate tax in 1917 when he died. So he had done well. He saw Abraham Lincoln when Lincoln was on his way to take the presidency in 1861. He voted for Lincoln in 1864, and was a stalwart member of the Republican party; a township trustee when the job really meant something. He had to do with building a high school, and was well regarded.

CF: Did he go to the Republican Convention in Chicago?

AS: I don't think so. I think he was a little young for that. He went in 1876 to the Centennial of the Constitution of the Declaration of Independence in Philadelphia. He went on a train from Indianapolis with his wife. I went 100 years later with my family to the same and President Gerald Ford spoke at the thing. Great-grandfather Williams married a Johnson and her name was Sarena. She was quite a lady. She's the reason that I'm as small as I

am and my children are and my mother was. She was a very small woman. She had a lot of children.

CF: Did they live on a farm?

AS: Yes, they owned a lot of land. She was a Johnson and her, I think, grandfather, who would be my great-great-grandfather, was in the Continental Army and was at Yorktown. He was from Virginia, named Phillip Johnson. There are some little pamphlets about him that I've seen. He was in the Continental Army and was at the end, I believe, at Yorktown.

CF: The family named Johnson is not connected other than living in Johnson County?

As: That's right, not that I know of. It's such a common name. They were from Jennings County, which is North Vernon, and, in fact, Richard Nixon's mother is buried in the same cemetery in Jennings County with a lot of the Johnson County citizens – they just happened to be in the same community.

CF: Your great-grandfather Williams was a farmer in the area of Johnson County. Was your grandfather Williams also a farmer?

AS: He was both a farmer and a horse doctor. He was a veterinarian.

CF: Now this is the one who went up to Chicago to be in the veterinary school – Chicago Veterinary School?

AS: Yes. Also, my great-grandfather was a stalwart supporter of Franklin College and the Baptist Church. He was a friend of the whole faculty of Franklin College in the Civil War under the presidency of a man named Dr. William Stott. They went to the Civil War as a group and Great-grandfather Williams had deformed feet or he would have gone to the Civil War too. When I ran for the Appellate Court in 1968, there was quite an old man who lived in the community that knew great-grandfather and he was about 100 years old. His name was Banta which is a big family name in the area. I stopped and visited with him one afternoon. I may have even recorded it, I don't know. But he knew my great-grandfather and said he had seen grandfather take his shoes off and his feet were seriously deformed. He had trouble even just getting ready, but it kept him out of the Union Army and he began the acquisition of land. He was township trustee when it meant a little bit.

CF: Chief District Judge Larry McKinney's wife, Carol, is the librarian at Franklin College.

AS: Roger Branigin was a grad of Franklin College and he always said he was a Democrat and a Baptist.. Some accused Branigin of being a snob – Branigin

said he was a Democrat and a Baptist. He said you don't get any more common than that. If you knew Roger Branigin, former Governor of Indiana – he said he wouldn't come to Lyndon Johnson's inaugural. He was the only Democratic governor in the U.S. that wasn't at Johnson's inaugural and they asked him why, and Branigin said it was because he didn't have any clean underwear.

CF: So they lived in Johnson County, your grandparents Williams.

AS: And I lived there and started school.

CF: Where does your grandmother come from? She was a Johnson?

AS: She was from that area too. Her father was the one who was in the Civil War. She was very deeply religious. She was the spiritual center of the family. While she was alive, she kept my grandfather on the straight and the narrow. He was on the straight and narrow pretty much anyway. She kept him that way. She was a very nice woman, very much in the church and very well thought of in the church and by the community.

CF: What church was that?

AS: The Baptist church. Granddad said he didn't belong in the Army. The Lord

brought him to the Navy because he was baptized by immersion.

CF: So your mom is born —

AS: In 1908.

CF: What's her name?

AS: Frances Louise Williams. She married my father in 1927 right after she graduated from high school.

CF: What did your mom do?

AS: My mother was ill most of her life. I have very little memory of her other than being ill. She was very intelligent, but she just wasn't well.

CF: Physical illness? Mental illness?

AS: Heart. She died at age 41 in 1949. She was 41 and I'm her only child.

CF: So your grandparents Williams raised you from age 5 in Johnson County.
What town were you near?

AS: No, it's just a rural area.

CF: So did you go to a one-room schoolhouse then?

AS: No one-room schools. They still have one in, but they had fairly decent schools that I started in Clark Township in Johnson County. That was a fairly nice building and later on in Brown County, one-room schools were still there when I was in high school in the '40s.

CF: So you go to grammar school and high school —

AS: I went the first seven grades living with my mother. Grandfather Williams sold the farm, the house that we were to move into burned and I had to go live with my father. He lived in Oklahoma.

CF: You were about 12?

AS: Yes.

CF: Before you lived with your father, did you work on the farm?

AS: Not much. My grandfather didn't work either. He managed, he raised livestock. He was very good at that, but he had ways of figuring out to get

somebody else to do the hard work. He sold the farm in 1944 and I moved with my father in Oklahoma and later to Texas for a couple of years. I lived with my father and step-mother.

CF: Before you moved to Oklahoma with your father and stepmother, how often would you see your dad?

AS: Not very often.

CF: Once a year?

AS: There was a five-year period when I didn't see him at all. To be perfectly frank, he never had much influence with me.

CF: How hard was it for you, Allen, to go to Oklahoma? You're 12 years old so you're almost a teenager, sort of thinking on your own.

AS: Yes, I didn't want to go. I didn't have any choice. I had spent about a month with my father in the summer of '44 in Oklahoma and it was pretty nice. I was kind of dating you know, rodeos and stuff, and it wasn't bad. My dad had also worked at the Cummins Company and he had expertise as a diesel mechanic.

CF: But he was sort of a minister too?

AS: Yes, well, he was a frustrated minister.

CF: A minister without portfolio?

AS: Yes, basically. I don't want to disparage him because I'm sure he was quite sincere. However, some positive things happened in my life when I lived in Wichita Falls, Texas. One, I went to a junior high school; I won a speech contest; my voice changed and I became this little guy with a big, bellowing voice. The principal of the school, a man named Parnell, took a big interest in me and promoted me; took me to Rotary Clubs and service clubs to speak and he spoiled me.

CF: What would you speak on?

AS: I did a funny thing. I did a takeoff on Tom Connelly who was a United States Senator from Texas and it was funny. The Rotarians and all of that thought it was great you know; especially, in fact, because I wasn't a Texan. Then the librarian at the Boys' Club and superintendent of the Boys' Club took a big interest in me and the librarian was a spinster who loved books, and was tough love. She would have me read books and then tell her what was in them. I had to tell her what was in them accurately. I kept in touch

with her for a good number of years after I left Texas. I was only in Texas a little less than two years. I won the speech contest and the principal and I kept in touch for several years. The Boys' Club people and I kept in touch for several years and I was stationed later on in the Air Force at Shepard Air Force Base and I visited these people that I had known before when I was there. But the librarian of the Boys' Club and I had a very special relationship and she was tough. I had great respect for her. She got me to reading things. I remember reading a biography of Sam Houston whom I greatly respected and she had me reading other things too. She made me tell her what was in the books accurately and I couldn't fool her. I tried, but it didn't work.

CF: A lot of boys at that age would be interested in cowboys and riding horses.

AS: No, I got interested in history pretty much there. I had a Texas history course and a fiery little teacher named Farrabee, I think it was, and it had the Alamo and all that history and I was very interested in it. I was very interested in Sam Houston. I still am. I think he was a very interesting person.

CF: Had you been much of a reader or interested in history prior to the friendship with the librarian?

AS: Grandfather Williams had quite a few books. He was a great fan of Benjamin Harrison. He had seen Benjamin Harrison on the street in Indianapolis and I think he had one on William McKinley too. I got brainwashed with McKinley and Harrison. Still interested in Harrison. I've written some stuff about him since then.

CF: So you're down there for two years initially in Oklahoma and then in Wichita Falls, Texas. Anywhere else in Texas?

AS: No.

CF: So what brings you back to Indiana?

AS: My father owns a farm in Brown County. He thinks he can make a living out of it. I don't want to seem negative but he comes back in, I think, April and by October he realizes he can't make a living at it and he moves to Chicago, and goes to work for Cummins Company and I don't go with him. I stay on his farm the rest of the winter and then I'm off on my own.

CF: How old were you then?

AS: About 16.

CF: What do you do on the farm for the winter?

AS: Started school and took care of the livestock.

CF: And go to town for supplies?

AS: There was a store about a mile away. I ended up working for the man who owned the store on the farm he owned the next summer. I got two dollars a day and my meals. Then the next winter, I lived in the guesthouse on a kind of an estate that's in that community of a family that moved in from Chicago. They went to Florida in the wintertime and I lived in the guesthouse. I never lived with my father thereafter.

CF: Where does your father go to?

AS: He moved to Chicago. He lives there. He eventually comes back to Brown County. I've kind of lost track of some of this. I went to school in this little country high school in Brown County. It had less than 100 students, eight in our graduating class. They don't have schools like that anymore, and I graduated from that school and they had one-room schoolhouses in the 1950's. Each county gets a state scholarship to the state schools and I happened to apply for the one from Indiana State Teachers College and nobody else applied for it. So I got it.

CF: Why did you apply to Indiana State Teachers College? Why did you want to go there?

AS: I could afford it. One, I could afford it, and two, Grandfather Sharp wanted me to; and it pleased him and all of that was important. I felt like it was someplace that wasn't so big I'd get lost. Indiana State Teachers College was another big plus. I became president of the Student Council, et cetera, and blossomed out again. Blossomed on top of the way I blossomed in Texas.

CF: What did you do at Indiana State Teachers College? Extracurricular activities-wise?

AS: I was president of the Young Republicans.

CF: And you are president of the Student Council?

AS: I did a lot of stuff. I was kind of a student radical of sorts.

CF: What years would that be?

AS: '50, '51, '52. I was big in the campaign of '52 and I ended up...

CF: Did you ever meet District Judge Bob Grant in the campaign of '52?

AS: No. I had put on a mock convention in 1952. Grant got defeated for Congress in '48. I was a Taft man. He was an Eisenhower man, but whatever. I am trying to think when I first met him. I think I first met him at the Columbia Club when I was on the Appellate Court of Indiana.

CF: What impact does the Korean War have on you?

AS: I was exempt from the draft which meant when I got out of law school I had to go to the military, which I did. I wasn't particularly anxious to go to Korea. I've been to Korea since. I realize now what I missed.

CF: Did the Depression or World War II have any impact on you?

AS: No. See, Grandfather Williams was pretty prosperous. He had survived the Depression, held on to his land, had a little income as a veterinarian, and didn't spend any money anyway. The Williamses were pretty well off.

CF: Did it have an impact on people that you knew, kids you played with? I don't know how many kids. If you're living out in a rural area, there's just not a lot of kids to play with, but did you see much poverty in Brown County?

AS: Well, I knew there was some poverty. I learned about poverty in Brown County. There was a ton of it there. At the time when I lived in Brown

County, there was a lot of grim, rural poverty, but that came a little later in my life when I was in high school. But I developed a lot of friends in southern Brown County. No one could understand why my father left me in Brown County and the facts are that is exactly what I wanted. I did not want to go to Chicago. I wanted to stay in a rural community, and went to work on the farm.

CF: When you went to Oklahoma and Texas, he had remarried. Was he still with the stepmother?

AS: Oh, yes.

CF: Did you have any relationship with her?

AS: Very nice. I was probably closer to her than I was to him. She was always very nice to me. She died in the 1960's after I became a lawyer.

CF: When you were in grammar school, people had you getting up and talking to Rotary and other organizations. Was there a speech group at Indiana State Teachers College?

AS: Yes.

CF: Were you part of it?

AS: I was on debate and I won some contests. I was better at speaking than I was at debating, although I was on the debate team.

CF: Any other activities?

AS: The president of the university and I became very close.

CF: Any other activities at Indiana State?

AS: Yes, honor societies and stuff.

CF: So you were a good student?

AS: Yes, I was very big in history. Always was big in history.

CF: Why did you decide to go into law and not teach history?

AS: Part of that started in Texas. Several lawyers took an interest in me. One took me to the courthouse and courtroom, first time. I think the first time I've ever been in a courtroom, and I don't even remember the name but I remember some lawyer took me to the Wichita County, whatever that county

is, to a courtroom, and I don't think I'd ever been in a courtroom before. I very much wanted to do that and that's really the genesis of my desire to combine law and politics, speaking ability and the courtroom, and I became very interested in that part of the process. And that was in the eighth grade.

CF: Any other activities that interested you?

AS: Oh yes. I did a lot of stuff in student politics, and got elected to student council.

CF: Did you write for the school paper at all?

AS: No. The editor of the paper and I are still friends. We see each other, but he promoted me and he was a Democrat. Still is. He's a professor at Eastern Illinois down in Charleston. Good friend of the former Illinois governor.

CF: What does he teach? What's his name?

AS: His name is Thornburgh and he teaches journalism. Well he's retired now, but he and I keep in touch. There's three of us, all of whom began Indiana State in the '49 or '50 period. We're still friends. After all these years, we're still in touch.

CF: You gave us a little bit of a background of the exposure to the lawyers down in Texas that pushed you into the legal field, but you've always had, and you still do, a wonderful interest in history.

AS: Yes.

CF: It isn't until later on in your judicial career that you started teaching at Butler University.

AS: That's right.

CF: History. But I mean obviously you've got twin interests at that point so was it all just because you got that exposure from the lawyers in Texas that brought you to the law?

AS: No, it's like – you can't say it's just one thing. That's certainly part of it, but I had an interest in history even with my Grandfather Williams. He had books and I read them. I remember reading the biography of, I think it was Lew Wallace's biography of Benjamin Harrison. It was a campaign biography, but I read it. Grandfather had it. And I remember... I think it was in the second or third grade when I went to school in Johnson County, Indiana...they took us to Benjamin Harrison's home in Indianapolis. They took a busload of us there, and I was greatly interested. Grandfather

Williams raised a lot of hogs and sold them at the stockyards in Indianapolis. Sometimes he would take me with him when he sold livestock, and I remember, once or twice, he took me through the Indiana State House. I later had an office there.

CF: Now, how would he bring them to market? Just truck them up to Indianapolis?

AS: Yes. He would have somebody do it and he would come up and get the checks and everything. He made quite a production out of it. He took me to the State House Library and Museum a time or two, and I was very interested in it. I later, of course, renewed that interest. But it's so hard to pin one thing or one connection that develops these interests. Grandfather talked a lot about politics and history and stuff. And he had kind of a cynic's view of a good deal of it, which I now realize. I didn't realize it back then. But I have to say even though he was eccentric, at times very hard line, he never was mean to me. He never punished me physically. He could make me regret my conduct, but he was never mean to me. And I had a lot of...he wasn't demonstrative at all. He was a Victorian, pure and simple. Very much a Victorian, but he was always interested in...he wanted me to do things his way. And there were times I didn't do that later in life, but when I was young and under his control, he was the father figure in my life.

CF: You're not under his control from 12 on, right?

AS: That's 1944 and on. I was 12 years old.

CF: And then at 16, you're living on your own. How was that?

AS: Mother dies when I'm 17. I move in with a minister in southern Brown County named Hendricks, and I still have connections with that family. They were incredibly nice to me. I lived there the winter of my senior year. Mother died that winter, and they were very nice. I still am close to that family. As a kind of a footnote, back when federal judges chose their juries and grand juries by writing letters. You may know that existed. And Judge Baltzell in Indianapolis had this Baptist minister on the grand jury a time or two. He was very impressed with that and he liked Robert Baltzell. He liked him very well. He was District Judge William Steckler's predecessor, as you well know.

CF: Judge Swygert tells a story that when they didn't have enough jurors, they just sent a deputy marshal out just to nab people on the street.

AS: They had the so-called blue ribbon system when the judge would write letters and apparently James Hendricks was on Baltzell's list. I think he had him more than once, but certainly had him once for either a grand or

regular jury; and he was very impressed with that. He liked to talk about it, I remember. I happened to be at their house a few years later when Keith Bulen called. He had called me from the State House and I called him back. He told me I was going to be appointed and I just happened to be at their house. I thought that was kind of interesting that they had been so very nice to me in so many ways, and especially the year my mother died. They were warm and they were just very respectful. I remember coming back from Franklin and my mother's funeral and I remember how sad I was and they just were very respectful and I was so glad that I lived at their house. That was my senior year of high school. I kept in touch with them. I saw Jim Hendricks when I was a federal judge. He lived to see me be a federal judge and he knew what it meant. I remember going to the hospital in Columbus, Indiana just before he died and he called me by name. He died that night, I think. He recognized my voice and called me by name.

CF: What was the name of your grammar school and high school? Did it have a name? Was it just Johnson County?

AS: No. The high school was Van Buren High School, in southern Brown County. I went there for the end of my freshman year and sophomore, junior and senior years.

CF: You had eight graduates from high school, so it's not like you can field a lot

of sports teams.

AS: Two women and six men in our class. You couldn't get a class play with – we had to get four and four – so two of the little guys, myself and another one, had to dress up like women.

CF: You could have if it was Shakespeare, original Shakespeare.

AS: Yes I know. It would be now, it wasn't then. But we were pretty good. We made a little money. We went on a trip to the north coast of Florida. We drove down there.

CF: Do you remember the name of the play?

AS: It was a rural setting. I played Minnie, the neighborhood gossip. I remember that one. I was pretty funny. We had a lot of fun with dressing up and playing these roles.

CF: Were there other activities you were in, in high school?

AS: I was yell cheerleader because I was the only kid in the school that was so small I couldn't play basketball. Everybody else were great big guys. I was a cheerleader with a couple of the girls, again because of my voice. I was in the

American Legion oratorical contest in our district. I think I won second place. I'm not sure.

CF: As a senior at Indiana State Teachers College...

AS: I never graduated from Indiana State. In 1952, I got a job in the U.S. Senate mail room making \$4,000 a year. That was a lot of money, and I was there two years.

CF: Was this a political appointment?

AS: Yes. Oh yes. Big time.

CF: And is that because of Senator Jenner?

AS: It wasn't on my good looks! He didn't know me at all. Somebody that I worked with in the campaign was very interested in me and he called Jenner. I listened in on the conversation and Jenner said something about, "Does he need it?" My guy said, "Yes, he does." My money was running out. I was borrowing student loan money at Indiana State. One of my friends on the faculty had graduated from this little high school in Brown County and he was cosigning my notes from him. He lived to be 103, and died just last year I believe.

CF: Who was that, Allen? What was his name?

AS: Cloyd Anthony. He had taught in a one-room school for my Grandfather Sharp, had earned a PhD and was a professor. A great friend, extremely good friend.

CF: So you go out to Washington. Where do you live in D.C.?

AS: About two blocks from the Capitol on Fourth Street. Worked early in the morning, as much as I hate mornings. I went to George Washington, got my degree – that one — and ended up with a Root-Tilden Scholarship in New York University, which is a great program if you know anything about it.

CF: I do.

AS: I didn't take it.

CF: I didn't take it either.

AS: You get one? I didn't know anybody out there.

CF: Room and board, tuition, and a stipend.

AS: Right on, and I got a scholarship just to pay the tuition at IU. I had a girlfriend at IU at the time. But I went up to New York and I don't know if you did this or not, and I was scared. I'll be perfectly honest. One of the closest friends I have still, a kid named Harry Monahan, Irish kid from Connecticut. He was on Prescott Bush's patronage. Prescott Bush was a U.S. Senator from Connecticut, grandfather of the present President. Harry and I were super good friends. His father was a chauffeur of the Auchincloss – a very wealthy family – and lived in an apartment above what used to be a carriage house, I think – whatever, garage. I went up for a weekend with them in Darien, Connecticut.

CF: What's the name?

AS: Auchincloss, I think. Very wealthy. I think some connection maybe with Jackie Kennedy.

CF: Yes, that was her stepfather's name.

AS: They were so nice. Irish immigrants, devout Catholics and just as nice as they can be. And he took me, that weekend, down to Washington Square to visit with these people on my Root-Tilden, and it scared me, absolutely scared me. I thought I was in over my head, I really did.

CF: Washington Square is, of course, in Greenwich Village which is a real —

AS: I know, I know, cultural shock.

CF: Cultural shock. Here you are coming from —

AS: Southern Brown County. Are you kidding? Absolutely.

CF: I always remember I visited a friend of mine at NYU. It was the first time I'd ever been in a neighborhood that runs 24 hours, other than a factory shift, which I was used to. But this was a town where you wondered where all these other people are coming from that are out on the street? So I could see why you might be a little hesitant.

AS: I was. Partly it was the girlfriend and the girlfriend thing didn't work out. But I wanted to come back to IU and Val Nolan got me a scholarship that paid my tuition. I think I ended up the first semester being a dormitory counselor, but I gave that up. It was just too much. Anyway, when I was appointed to the federal bench, I got a note from Harry Monahan, my friend. He said, "I always thought that you made a mistake in not taking the Root Tilden. Now I realize you hadn't." He said, "If you had taken the Root Tilden, you'd probably be living in Connecticut or New Jersey and riding a train into New York to a Wall Street law firm." And, of course, I couldn't

visualize myself as a Wall Street lawyer to begin with.

CF: I can't either.

AS: Nobody can. Occasionally – and I'm sure it wasn't because of any profound knowledge on my part – occasionally your instincts tell you to do the thing that works out for you. In my case it worked out quite well.

CF: So you go to IU for law school. Were you active there besides?

AS: Not very active.

CF: Were you active politically?

AS: I ran for president of the Young Republicans Club, and got beat by two or three votes. Later the guy that led the charge against me ended up being a friend who helped me. It was Bill Bray's son. Bill Bray was a Congressman and he helped me.

CF: Is this the Republican Party Club for the law school or for the whole university?

AS: It was the law school. But, you know, a lot of the people who had worked

against me for reasons that aren't really very relevant, ended up being friends of mine later on. You don't know. I sure learned that you have got to be careful about making permanent enemies because you don't know who's going to be your friend later on. Many of the people I've known in different factions of the Republican Club later were great friends; turned out to be very good friends. I should have spent more time studying anyway. I didn't do very well in the beginning. I got C's, but nothing great. I got A's and B's later on. Got B's. Didn't get very many A's. but I was also working most of the time. I had a part-time job.

CF: What was that?

AS: I worked as a guard in night security in the medical building. The first year of medical school was in Bloomington. It has since been changed to Indianapolis. I'd sit and watch the sign-in sheet and study. Being a counselor in the dormitory was just too much work. I couldn't give up being a student activist. I was one to help them put on programs and all of that. I was good at that, but I wasn't as good at going to law school. Bill Oliver, who runs a winery in Bloomington, taught contracts at either 7:30 or 8:00, some God-awful hour in the morning. I don't think it was, couldn't have been, later than 8:30. God, I hated to get up, and I wasn't very good at contracts anyway. I got a C out of it, which was about as good as you could do. But I did better in law school after the first year.

CF: What did you do after the summer?

AS: The first summer I worked in the Shenandoah National Park as a bartender, and ran a recreation hall on the Skyline Drive.

CF: How did you get that job?

AS: I applied for it. I had a three-year job at Brown County State Park in my last year of high school, at the Abe Martin Lodge at Brown County State Park. I made very good money. I was getting my room and board, \$100 a month in tips, and I was taking \$200 a month to the bank. That was a lot of money, and that helped me go to college. The man who ran the lodge was very prominent. He had been a member of the state legislature in McNutt's time, when McNutt was governor. And he had been county recorder in Allen County, which is Fort Wayne. He was a very great supporter of mine and a promoter. I made very good money and I didn't spend any, you know.

CF: So is that the connection that then brought you to the Shenandoah?

AS: Yes. He used that as a reference because he would write recommendations for me. He ran a lodge which was kind of a patronage thing and he lived there and the entertainment was there. You ate meals in the kitchen, and made good tips. I made real good tips.

CF: Other than the presidential election of 1952 in which you worked, when is the next time you get active? Are you active in '56?

AS: I ran for state senator in '64. I became a lawyer, served in the Air Force and I went to Williamsport, Indiana to be a lawyer out of law school. I started the day after Christmas in 1957. Soon it will be 50 years.

CF: Why Williamsport?

AS: The same man had been judge in Warren County, as circuit judge since 1930, and he died in 1957. There were four other lawyers. One of them was appointed judge. He wanted to sell his office and his books, but he couldn't sell a practice because he was on the bench. So, on contract, I bought his equipment and books and everything, and established myself as a lawyer in a small office above the building and loan right across from the courthouse. I did O.K. gradually.

CF: What did you do between your second and third year of law school?

AS: Went to Crater Lake National Park and worked as a park ranger in the summer-time in Oregon. Lovely, God it was great. I enjoy going back there.

CF: Does Indiana still have the diploma privilege when you graduated from law

school, or did you have to take the bar?

AS: No. You had to take the bar exam. Back then, the rule was that if you went to the military, you didn't have to take the bar exam and I was the last one they cut into that rule. Judge Bobbitt of the state supreme court was a great friend of mine, he and Bill Ruckelshaus and others. He told me off the record. He said, "We are going to change that rule. You can still take advantage of it." So I did. What's the date on this one here?

CF: IU.

SL: June 10, 1957.

CF: Do you go into the Air Force right away in 1957?

AS: I went in the first of May. I was out of school. I went on active duty the 15th of June.

CF: Was this a JAG program?

AS: No, I was a ground pounder. I was Airman Basic. I later was in JAG, and made Lieutenant Colonel finally, but I went through basic at Lackland Air Force Base. Wasn't all that bad, now you look back on it. I really learned to

keep my mouth shut. When you have a name like Sharp, they are going to remember you. If you start sounding off and acting foolish and asking dumb questions, they are going to spot you. These drill instructors will spot you in a minute.

CF: What did you do in the Air Force before you were in JAG?

AS: Just as little as possible. I was in transportation, and cleaned airplanes and stuff like that. After I got back to Bakalar Air Force Base which was in Columbus, Indiana, and later at Grissom, I got in JAG and later became a Lieutenant Colonel.

CF: You come back from the service and you go to Williamsport.

AS: I served under a program where you could serve six months, and then stay in the Reserves for six years. Then I stayed in for 28 or 29 years.

CF: Why did you pick Williamsport to go to?

AS: Judge Gillespie who had been appointed judge, he was the prosecutor, wrote a letter to the law school and said that it was a Republican county. He said that there was a chance of being prosecutor, and he wanted to sell his books and his law practice.

CF: So that's all part of the package deal?

AS: I bought his books. I can't buy a practice.

CF: I understand.

AS: So I went up on Easter weekend, I think. I think I signed a deal with him almost immediately, even though I had the military to get out of the way. I started paying rent at \$50.00 a month on the office that I had over the building and loan.

CF: Did you have other alternate plans, or was this sort of the one and only?

AS: No, I looked at a couple of other small...I had a chance to go to the U.S. Attorney's Office in Indianapolis. I didn't want that; or the Attorney General of Indiana. I had connections both places. I looked at some small counties which I was interested in. One or two were in southern Indiana. But this looked pretty good. One of the things that looked good about it was that there weren't many lawyers and they were all in their 60s but me. There hadn't been a new lawyer in Warren County since 1930. The lawyers were in their 60s age-wise. There was a little bit of people who had come to the same office. I kept some of that. Not a lot of it, but some of it.

CF: Let me ask you a question going back. When you mentioned you worked for two years in the Senate mail room and I asked if that was a political job, you said yes. There was a time period when people who particularly worked in state government had to contribute a certain percentage back to the party, which I think was like two percent. In fact, it may have even been deducted out of the paychecks.

AS: I never had it to kick in, and I didn't. I never was asked to.

CF: But there was such a system, wasn't there?

AS: Yes, that was the McNutt system. He started it in Indiana. He had the two percent club. It's long since gone now. I never had to do that, nor was it ever suggested to me. I felt like I was kind of under the radar. I, apparently, got the job when nobody else even knew it was available. I think Jenner only had two mail clerks and I got one of them. He later tried to get me to become a Republican county chairman in the county where I practiced law. I refused and it irritated him to no end.

CF: You get to Williamsport. What's the nature of your practice?

AS: Whatever you get.

CF: Whatever comes in the door?

AS: That's right. I won some cases and I won a jury case and I liked the courtroom. I liked the trial.

CF: So it's criminal, it's civil, it's divorce, it's whatever comes along.

AS: I hated divorces. Just hated them. Wasn't good at it. I liked personal injury stuff. You get a percentage and people were easier to deal with, you know.

CF: Were you active in the bar association?

AS: Yes, sort of. But nothing very great. I ran for state senator in '64. Not a good year. I rode the Goldwater landslide. I actually ran a little ahead of the ticket. I carried my own county pretty sizeably.

CF: What was your district?

AS: It was three western Indiana rural districts, all three small counties, and before the reapportionment and all that stuff. It was Vermillion County which is a long county, 50 miles long about 10 miles wide, and then Fountain County which is Covington and Attica, and Warren County which is Williamsport. I ran way ahead of the ticket in Warren County, and did

pretty well in Vermillion County, Clinton. Ran terribly in Fountain County because I was running against the incumbent senator who's a very nice man. He and I became good friends. He's probably more conservative than I am.

CF: So you lose that election, that's in '64. You still have a practice.

AS: From '64 to '68, I did really well money-wise.

CF: What happened to the idea of you becoming a prosecutor in the county?

AS: The guy that had the office would not relinquish the Republican nomination. He insisted on it and he got beat by a Democrat prosecutor. And then there was talk –

CF: In '64?

AS: Well, the county chairman wanted me to run against the Democrat prosecutor and I didn't want to do it. I wasn't interested really in being prosecutor.

CF: Are you active in any service organizations at the time?

AS: Lions Club. I was president of the Lions Club, district chairman or

something. I have forgotten. I know it doesn't exist anymore. It was a lot more important then than it is now. I did the stuff in the community, Cub Scouts and all of that stuff. You do what you have to do.

CF: When did you get married?

AS: 1964.

CF: The year you ran for office. Where was your wife from?

AS: She's from Williamsport.

CF: And you have two daughters. Were they born in Williamsport?

AS: They were born in Champaign-Urbana at the Carle Hospital. She worked there as a nurse. They were a little over a year apart.

CF: So they're just born there and you came back to Williamsport. When's your next political contest?

AS: I run in '68.

CF: Ok, that's when you run for the Indiana Appellate Court.

AS: Yes. You have to go through the convention which is an experience. The Republican convention. It was a partisan thing at that time and I did.

CF: Steve Ludwig got me the framed “Will You Vote for Our Dad? He’s running for Judge of the Appellate Court. Scarlet and Crystal Sharp. Allen Sharp, Republican candidate for the Judge of the Appellate Court.” What a great campaign announcement. It was super.

AS: We had a lot of fun. I won 62 counties out of 90 some.

CF: Did you have a primary contest too?

AS: Both parties nominated a full ticket. There were two spots in that part of the state and there were three candidates in the Republican convention. The third candidate was an older guy who had served briefly as a circuit judge in Steuben County who wanted to get enough time in to fill out his retirement.

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He lost. He also got drunk the night before and everybody knew it. I didn’t say anything about it, but a lot of people did. But I won first, Judge Hoffman was second and Eric Hubbard was the third one. He was the guy who got drunk the night before. Of course, you’re supposed to get drunk. It’s a state convention. That’s why you drink. One of my best friends that was a delegate always sent an alternate. I said, “You’re not going to the convention?” He said, “No.” He said, “I’ll just get drunk at home.” (chuckle)

CF: So in the '68 election, you get the convention nomination?

AS: Yes.

CF: And then in the general election, this is Nixon versus Humphrey, and Nixon carries the state fairly big.

AS: You had George Wallace splitting off some votes, but Wallace's people did not put up a state ticket. A lot of the Wallace people were going to vote Republican on the state ticket. Not all of them by any means, but a good many of them. I was a little worried about whether Wallace would put up a state ticket, but they didn't do it.

CF: So what is your vote percentage in that general election?

AS: I think I ran second statewide. I think Pat Sullivan, who just retired on the state Court of Appeals, I think he was first and Bill Ruckelshaus ran for the U.S. Senate and got beat. I think I was second. There was a Bill Sharp, a judge in Indianapolis, running for a local court. I think his name was not – he had run for mayor and was in the news all the time and a lot of people thought he and I were the same person. I told him, I said, "Yes, a lot of people thought we're the same one and a lot more realized that we weren't." He's a good friend. But I think I ran second. I don't know.

CF: So you wind up your practice, you go on the bench. What's your initial salary?

AS: Good one. \$22,500 plus \$2500 for living expenses. Some kind of a thing that you have to live in Indianapolis or some foolish thing.

CF: Does that still exist? That you have to live in Indianapolis?

AS: No. No, I think they got rid of all that. For a while we had cars and they got rid of that. When I went on, we all got cars. And that, of course, was just a way of getting some more income. But they quit the cars. I think when I left the court in '73, it seemed to me our salary was up to \$33,000 or something like that. It's still not a very lucrative job. It's up over \$100,000 now, I think.

CF: What are some of the most memorable cases you remember from your days as an Indiana appellate judge?

AS: I had a big interest in products liability. I wrote several products liability decisions and this was right at the time the great justice out in California, Traynor, had written the beginnings of strict liability and we were playing with that. I wrote some strict liability opinions. I was, I think, fairly liberal in that whole area. The court did not have criminal jurisdiction when I first

went on.

CF: Did criminal appeals go to the Supreme Court?

AS: After '72 or '73, the Court of Appeals of Indiana had criminal jurisdiction except for the death penalty, but that was sort of – so there was a period of time when I wrote some criminal opinions, but I was primarily interested in strict liability and that sort of thing. I enjoyed my time there.

CF: What other areas did you like, caseload-wise, in the Indiana court? What other area did you enjoy writing?

AS: No, I wrote a lot of opinions. I set records on the number of opinions. I never pretended to be a great particular scholar. I just ground out opinions, and rather quickly became the chief – statistically I was writing more opinions than anybody else, and became known for that more than any particular area in which I was interested.

CF: Did you think about going in the trial bench before you went on the Court of Appeals?

AS: No.

CF: You wanted to be on the appellate bench?

AS: There wasn't any trial bench open. There was one judge in this county and he stayed on until considerably after I was on the Appellate Court. No, no. Just not an option. I enjoyed the State House. I enjoyed being in Indianapolis. I developed a lot of friendships.

CF: Who are your colleagues on the bench at that time?

AS: Sullivan, Pat Sullivan was one. George Hoffman was one. He's from Hammond. He's still alive. Judge Loudermilk was from Sullivan County, a Republican from a Democrat county. Judge Pfaff, he was from up here. He and I were pretty friendly. I got along with everybody on the court pretty well. There were some people you got along with better than others, but I had pretty nice relationships and, of course, we had a lot of law clerks. Each judge got one law clerk and many of them are now in their prime as lawyers. And, in fact, one of my law clerks was the daughter of one of the law clerks that was on the Appellate Court back at that time. It was great fun. I started my Masters Degree at Butler, starting going to class.

CF: In American history, European history?

AS: Yes, about half of the classes were European history and the others were

American history. I remember I wrote my senior paper on the court-packing fight in '37, but I wrote it through the eyes of the two U.S. senators from Indiana at that time. They were both Democrats. Sherman Minton was one and Fred Van Nuys was the other. Van Nuys, I think, was second ranking on the Senate Judiciary Committee and he opposed court-packing even though he had been Democratic state chairman. Minton, of course, was a spear carrier for Roosevelt in the court-packing. I wrote a big paper in that, and always picked something I could write about. The professor couldn't challenge me on it too much. I have still got it around someplace. I have modified it from time to time. Some parts have been published, I think. But it split the Democratic party, as indicated, in that these two Indiana senators, both of them, were Democrats. One of them was just as anti-court-packing as the other one was for it. Supreme Court Justice William Rehnquist and I talked about this way back when he was the Seventh Circuit Justice. He and I got to be sort of friendly and we talked mostly history. I told him, and I think I sent him proof, that Sherman Minton had the first shot at the Black seat on the Supreme Court. President Roosevelt had offered it to him and Minton thought he had been so vocal in that fight that he didn't think it was a good idea, and so Black ends up getting nominated, as you well know. I think there was an indication – I had seen that in some of maybe Minton's writings. I'm not sure. He destroyed a lot of his papers in his later years, but I'm relatively certain that he had the chance to be appointed when Black was appointed. Of course, he later was appointed by

Truman, as you well know, after he was on the Court of Appeals.

CF: When you are on the Indiana Appellate Court, can you be active politically, or just for purposes of reelection?

AS: I made one speech at a Lincoln dinner. Nobody said anything. I frankly thought about it later and I decided I wouldn't do it again. It was one of these small counties up here where the county chairman, who was a lawyer, invited me to speak at Lincoln Day, so I did. I am not sure that was a good idea. The answer is that there was a time when judges on the Appellate Court and the Supreme Court of Indiana, being elected, were fairly active. You ran, you were out there with other candidates and after – your question I think is what's your status after you've actually been elected.

CF: Correct.

AS: You might attend a reception or two, but I think the only overt political thing that I did in '70 or '71 was a Lincoln Day speech. Not a very good speech at that.

CF: Judge, in between our break, we were looking at why did you decide to go to law school?

AS: One of the things I remember distinctly, maybe two things. I remember almost the first week that I was in Washington D.C. George Washington University is only about three or four blocks from the White House and we still had streetcars. I had to come down a block or two or three to catch a streetcar on Pennsylvania Avenue to get me where I lived. I walked down to pick up the streetcar and there was a lot of people in Lafayette Park right across from the White House. I mean a lot of people. A man walked out of the crowd and across to the little building where the police were guarding the White House trying to get in to see President Eisenhower. The man's name was Bloch, I think, and he was a lawyer for the Rosenbergs. It was the night that the Rosenbergs were executed. Just seeing that scene and seeing him walk across there to try to get in to see President Eisenhower. He didn't make it, by the way. It was just something – you know you're really – here's something big that's happening that relates to the judiciary, relates to something you know about. So that made an impression with me. The other thing that made —

CF: You mean about a lawyer going to the White House, all the way to the top to try to stop the execution?

AS: Sure. Absolutely. There were a lot of people that were there for the Rosenbergs, Very controversial. It was very interesting to me. It was also important. I lived within two blocks of the Supreme Court and I remember

also seeing a lot of people in front of the Supreme Court when Brown vs. Board of Education was heard and decided. I was very interested in that. I was particularly interested in Supreme Court Justice Robert Jackson, who died shortly after he voted on the Brown decision. He died, I think, coming to the court in the car. I think he had a heart attack. I greatly admired him. I still do. But those incidents – you're really close to the highest court in the land. They were two blocks away, I walked right by it in the morning.

CF: Did you realize the importance of Brown before it was decided?

AS: No. That's a very honest question. I was student teaching in history in William McKinley High School. I got a degree in education.

CF: You're still working in the mail room, were you? You had a degree and you're student teaching?

AS: Oh yes. I knew I was going to try to go to law school, but I wanted it as a hedge. The education people don't like that, but I did it anyway. But I came to realize, of course, as quickly as everybody else that the Brown decision was important, and I knew schools in the District of Columbia were segregated. I knew that it was important because one of the cases — Brown is a group of cases, but one of them had to do with the District of Columbia. I was very interested in that because I think at that very time I was student teaching a

history class, as I recall, at William McKinley High School.

CF: When you grew up, when was the first time you met an African American?

You grew up in a rural part of Johnson County.

AS: No, I'll tell you exactly. The first time I had direct dealings with black people was at Indiana State Teachers College. The president of the freshman class was Joe Samuels who was a star athlete. He appointed me to the student council because the guy that was elected dropped out of school and I ended up on the council. I served for three years and eventually was president of the student council, and had some very good friends that were African Americans, including Joe Samuels and others. I tried to find out where he ...I wanted to write him and thank him for what he did for me.

CF: So at the time when you're a student at Indiana State Teachers College, the early '50s, there is no segregation?

AS: You know I don't really think so.

CF: Because later on we have the Indianapolis Schools desegregation case and there's suburban towns around Indianapolis in which, if I remember correctly, there were ordinances against African Americans being in towns at night.

AS: Well there were statutes in Indiana, you know, Crispus Atticus High School and so forth.

CF: But there were specifically ordinances that African Americans couldn't be in towns, I thought that was part of the Indianapolis school segregation case.

AS: Could be. I don't know a lot about that. But I do know that I had – we lived in the dormitory. We had black kids in the dormitory. Joe Samuels was very kind to me and put me on student council. One of the issues we dealt with was whether fraternities and sororities that had discriminatory clauses in their national charters could be admitted. I voted, as I recall. Samuels and I agreed that I would vote to exclude those fraternities and sororities that had discriminatory clauses. But now, what I think happened, and it's a little vague – there was some kind of a compromise worked out to, I think, to everybody's reasonable satisfaction that the local chapter had to object to the national constitution, and if they did that, then they could stay. I think that was the compromise. But I remember. I was in kind of a liberal stage in my life at that point. I remember I felt pretty strongly about it and it was kind of a simplistic liberalism, I guess. But student politics tends to be slightly left to center anyway. I think I was. I hate to admit it. (chuckle)

CF: Well you already told me you're not perfect.

AS: You know, it's an interesting exercise how you have to be careful. It's not always the real world, but I enjoyed my time at Indiana State. The president of the college and I became friends. I still am in touch with the widow of my favorite history professor. He's dead, but she writes me notes. I send her stuff that I write and it's a rich relationship. He was a very tough professor and I loved him dearly, I had ancient history with him.. He introduced me to Will Durant. I don't know where my Will Durant books are. They're in the other room I think. Will Durant came to Indiana State.

CF: Commencement?

AS: Yes, and I went to hear him. I was so impressed with him. He talked for an hour and never used a note. He was a very articulate, very handsome man, beautiful white hair, and he got me to read — this professor got me to read volume three of Durant's book called Caesar and Christ as part of the ancient history. I thought I wrote a lot on my final in the blue book, and my favorite professor wrote across it, "B-." Then he wrote, "by the narrowest possible margin!" Later on, I think I had him, maybe I got an A from him, but this was ancient history and it was tough. He was a tough professor, but I'm in touch with his wife and I was in touch with him up to the time he passed.

CF: You know, Allen, you said you were married in 1964, and your wife was from Williamsport. How did you meet her? Williamsport is not that big and she's

a nurse.

AS: I think somebody played matchmaker. The county assessor played matchmaker. His name was Odle.

CF: How long from when you met her to when you got married?

AS: Not very long. Maybe six months. Probably started in the late part of '63. Ended up getting married in May.

CF: You mentioned that products liability, strict liability, the development of that as far as Indiana's concerned was one aspect that you clearly wrote about and liked. Are there any particular cases that you were particularly pleased with your decision, and why?

AS: Yes. I wrote a good many summary judgment opinions too early on when we just had that rule.

CF: You mean summary judgment appellate decisions or sort of a summary affirmance, or summary reversal, or could they be both?

AS: Well both. (Theis v. Heuer, 149 Ind. App. 52, 270 N.E.2d 764 (Ind. App. 1971); Opinion adopted as Indiana Supreme Court's opinion and published at 264

Ind. 1, 280 N.E.2d 300 (Ind. 1972) ; Orr v. Econo-Car of Indianapolis, Inc., 150 Ind. App. 411, 276 N.E.2d 524 (Ind. App. 1971))

CF: You are on the appellate bench four years and ten months. Tell us about your appointment to the district court.

AS: Oh, well I owe a lot to a guy named Keith Bulen. Keith Bulen was a master politician. He was a member of the national Republican Committee, and he was Marion County Republican chairman. Strangely enough, he liked the idea that I was only 36 years old and wanted to be a judge of the appellate court. He supported me in the convention and his support was critical. I had not known him before even though we were about the same age. He was a year or two older than I am and in and out of law school at IU ahead of me. But he also was later critically important in my appointment as a federal judge.

I tell this story. In the spring of 1973, William Rehnquist had just been appointed to the Supreme Court of the United States and Rehnquist came to Indiana University Law School in Bloomington on a program. I was invited and I attended. We had a reception at the dean's house. I have forgotten the name of the dean right now, but I remember the house out in the country from Bloomington. I entered into an extended conversation. It was kind of commonly presumed that I was going to be appointed to the federal bench. That was kind of in the atmosphere. I think Rehnquist even

knew or had heard it or something. He and I had a conversation. But, anyway, I entered into a conversation with District Judge S. Hugh Dillin and we got to talking about hiring law clerks and all of this, the premise being that I would be appointed. Well, that was on Friday evening. On Monday morning, when I got to the State House, there was a note to call Keith Bulen. This conversation had been reported to Bulen by, I think, Dillin. Bulen was not a happy camper at all. He screamed at me, told me to stay out of the Columbia Club in Indianapolis and basically told me to stay out of Indianapolis. So I did, and that's the only time he and I ever had – I didn't talk back to him, but it's the only time he ever was critical with me.

CF: The Columbia Club was known for Democrats?

AS: No, it was Republican. It was created in 1888 to support Benjamin Harrison.

CF: I guess I'm not sure why he would want you to stay out of the Columbia Club.

AS: Yes, it was a beehive of Republican activity back then. Not anymore, but it was then.

CF: But why would Bulen want you to stay out of there?

AS: He told me in this conversation that I was going to be appointed and he had

told me that the weekend before. So I had 40 acres of soy beans with volunteer corn. I cut the volunteer corn and fed it to my cows and I took my children to Florida to Daytona Beach and over to Disney World I guess it is. I stayed out of Indianapolis. Finally, in September I was nominated by the President and Bulen and I never had a cross word after. He was a good friend and he kept his word. He had kept his word about supporting me. He just wanted to have control and he did not want me talking to Hugh Dillin because he wasn't sure about what Dillin's interests were.

CF: It was on Dillin's agenda?

AS: Yes. To be utterly frank, I don't think my appointment to the federal bench was on Dillin's agenda. Dillin had a brother-in-law named Robert Lowell Miller, Sr. and he was someone that was in the picture, although he had been pretty well eliminated by that time. I am not sure how much of that was known. The other thing that has always been greatly interesting to me was that Bill Ruckelshaus was the Deputy Attorney General in the Justice Department. You know the deputy is the number two or three according to whether you listen to the Solicitor General or not. But whatever it is, it is a pretty important position. He literally got my papers signed, got my nomination made and got the President to do it, and then President Nixon signed my commission on either the same day or a day or two after Agnew resigned as Vice President. I think it was October 10 and I believe Agnew

resigned on the 10th, but it was right there. Ruckelshaus was doing this in the Justice Department and the commission signed on the 10th – I don't know what day of the week it was, but Ruckelshaus brings that out, that commission. He brings it out to Indiana and he brings it out on probably Tuesday or Wednesday and gives it to Bulen who in turn presents it to me at the state bar convention in French Lick. Ruckelshaus goes back to Washington, and Bulen presents it to me on a Friday at the state bar. Guess what that Saturday night is, Saturday Night Massacre and Ruckelshaus is out of office.

CF: Cox is out, Richardson is out.

AS: Cox is, right. Richardson whose name's on the commission. So all at once Ruckelshaus is at the top of the enemies' list as you well remember. He and I had discussed this and I don't know that we fully agreed. District Judge Cale Holder was very adamant. He said I should take the oath immediately. I didn't. I waited until the end of the month and took it on the first of November. But Ruckelshaus was out of office, Elliott Richardson was out of office, Archibald Cox was out of office, and Robert Bork, the Solicitor General, fired Archibald Cox, and is later nominated for the Supreme Court. So the question I raised with Bill Ruckelshaus was that had he not brought that commission out physically, given it to Bulen who gave it to me, did he think I would have ever gotten it? He thinks I would have. I didn't think so, but that

is just my own opinion. I do think it's an interesting question. If that had been laying on Ruckelshaus' desk ala Marbury v. Madison, do you think I would have ever gotten it? I don't think so. There was so much antagonism toward him from the White House, Keith's staff at that time, I'm not sure. It might have, they might have just let it come through.

CF: Holder wanted you to take the oath just so that somebody didn't issue a retraction.

AS: Holder was adamant about it. I didn't do it and he didn't like it. But I was scheduled to do it in Hammond on the first of November and I waited. But I think it is kind of an interesting footnote. Obviously I sailed under the radar. Roman Hruska, Senator from Nebraska, held my hearing which lasted about 15 minutes. He asked me two or three questions and didn't listen to the answers to any of them, maybe because he couldn't hear. The confirmation in the Senate was done the same day. Hearing was at 10:00 in the morning, confirmation was at noon in what they called the morning hour, and no opposition – only about five or six senators on the floor and fortunately none of them knew me!

CF: You get sworn in Hammond. This is a time when we've got sickness and vacancies in the Northern District of Indiana, and a big criminal caseload.

AS: Oh, yes. George Beamer had been over there alone, and a fine man. I only served with him a year, but I had respect for him. And George worked, almost literally worked himself to death over there. His heart attack and all of that may have not been as a result of the Hammond docket, but I think it had something to do with it. I greatly admired him and all we did was try cases, one right after the other one.

CF: There were only two judges in this circuit in my tenure who I have had the problem with having to deal with court reporters, where we needed two court reporters for the judge because the judge was trying two cases a day. You and District Judge John Shabaz.

AS: Oh really?

CF: Yeah, I mean it's 8:30 to 12:30 for one, and then 1:30 to 6:00 for the other.

AS: Well, when one jury was out deliberating, we'd start picking another. Tried three in a week. District Judge Joseph Van Bokkelen (former Assistant United States Attorney) was just a classy lawyer in every way. He and I had been friends since I had been in the State House on the Court of Appeals, and he was in the Attorney General's office in Indiana. I picked on him, but it was because I liked him. But he didn't understand that at the time. He does now. But he tried three cases to verdict in one week. They were dinky cases, but

they were still jury trials. We had three of them in one week. Commonplace we would have two and almost always had one. I forgot how many jury cases I heard in that first two years, but it was something like 50 to 100. I don't remember.

CF: It was huge. I mean the U.S. Attorney was bringing those large drug indictments in Hammond.

AS: The United States Attorney tried to indict the whole Gary Family.

CF: The Main 21? Besides trying to figure out how we could get you two reporters so that you didn't put the official reporter in the grave, we had to – I can always remember we got a call from GSA. This is a time when Chief Justice Burger had said that judges could not enjoin GSA. You had just told the Federal Protective Service to put the guard back at the front door of the old Hammond courthouse that GSA had removed.

AS: Well my life had been threatened.

CF: I had to explain it to the General Counsel over at GSA. I said the GSA building manager had taken away the guard at the front door and made him a roving patrol in the building. The guard used to check weapons as people came in. The General Counsel said, "Well, we are not supposed to check

weapons.” I said, “I would prefer you checking weapons than people carrying them into the building.” You had said “Put the guard back.” And you were exactly right. That’s when the grand jury had uncovered the plot to kill you in the courthouse. So I explained that also. Eventually GSA understood that we needed a full-time guard at the front door.

AS: That’s interesting. I had forgotten some of that.

CF: The Regional Counsel then was Harry Gerdy, a cousin of a friend of mine.

AS: Well you know, I was as green as a gourd. I had never been in that courthouse as a lawyer. I had been to the one in Lafayette, but never been in Hammond except when I was appointed and was possibly in over my head in some regard. Here, the two people, and Van Bokkelen and I have talked about it – one from Mooresville, Indiana, in Morgan County and one from Brown County who are up here in Lake County trying the Family and all these trials. He is certainly not over his head either. Van Bokkelen was a classy, able lawyer. I have told this story about this group of African Americans who were in the so-called Family drug gang, and they were indicted. In the big Family trial we had, I think, 27 defendants and 14 of them went to trial and it lasted seven weeks. (see U.S. v. Jeffers, 520 F2d 1256 (7th Cir. 1975)). It was the longest trial I was ever in. Van Bokkelen’s father, who was a doctor in Mooresville, Indiana, died about the first week of

the trial. Van Bokkelen had to go to the funeral and for whatever reason, you can interpret it any way you want to, there were several defendants in that Family trial who had been police officers in Gary, but there were a lot more that were not. The Family members, the gang, sent flowers to Van Bokkelen's father's funeral. I think they did it – Van Bokkelen's one of these guys that can do very controversial things without anybody being offended. I think there was a genuine part – I think it was partly out of respect. Now it may have been also a desire to curry favor. I wouldn't dismiss that, but I just think it was unusual. Here these guys are on trial in a big case and here they send flowers to his father's funeral.

CF: Some of those cases, Allen, dealt with the assassination of government witnesses, didn't they?

AS: Oh, yes. There was a shootout at a funeral. There was a shootout on the steps of the City Hall. These are different cases. But it was a testy time.

CF: And this is the background when GSA takes the guard away from the front door.

AS: Yes. Well I was incensed by it, but you know, my life had been threatened and I probably wasn't very diplomatic about it, you know. But we eventually got what we wanted, thanks to you.

CF: Well, it worked out.

AS: You know, that was a busy time. It was a wonderful – in a sense it was an education, you know, being a federal judge and all, but also an education in the cultural, a culture that I did not really understand. There's a subculture at work here, a black subculture that I just didn't understand. I would be candid to admit that I did not understand it.

CF: I think, that double trial each day in trying to deal with the caseload went on for a good two years, wasn't it?

AS: I was there three years and then I went back regularly because District Judge Phil McNagney got sick. The funny thing about the McNagney thing is that he is one of three U.S. attorneys that ended up being a judge now, with Van Bokkelen and District Judge William Lee. But McNagney and I were competitors. We were the two finalists for my appointment and I was appointed; and then he was appointed for the next one. We were close friends. I had great respect for him and spent a lot of time – he and I got to be very good friends. He tried so hard to work when he was very ill and I had so much respect for him.

I remember the last time I was over there trying somebody and he was trying somebody and our juries were out at the same time. His wife was over there with him. We went to Phil Smidt's for a late lunch and sat and talked

for maybe an hour and left a note to call us to come for our juries. He began one conversation with, he had the soul of a poet anyway, he said, “Whose woods this is I think I know. He lives in the village though. My little horse will think it queer and stop without a farmhouse near.” He knew Robert Frost by heart and I did not. I was so touched when he started that. I knew he was ill and he knew that time was very limited for him, and the final words of that poem are, “and miles to go before I sleep, and miles to go before I sleep.” I later mentioned that, I think, at the dinner they had for me at the Beef House. Just a super man in every way and he worked until the day he died. He signed, I think, from what I can tell, he signed off on some orders the day he died. I’ll always have the fondest memories of Phil McNagny. In every way he was a classy man, in every way. And I remember – this sounds partisan but it wasn’t – he said to me once, “I just hope I can live long enough so that Ronald Reagan can appoint my successor.” And he meant it and there wasn’t anything mean about it or anything like that. It was just he wanted to live as long as he could. So there.

CF: Allen, a tough part of your life is you get a divorce.

AS: Yes.

CF: When is that?

AS: I made mistakes.

CF: Well, trying two cases a day is hard on a marriage.

AS: I can't blame that. The problems were deeper than that, much as I would like to blame it on Hammond and the docket. That's not the reason. I made mistakes in judgment. I have acknowledged them to my daughters, and am at peace with them. And, indeed, I am reasonably peaceful with my former wife. She's been very nice to me in a recent illness. So time moves on and heals a lot, a lot of wounds.

CF: One of the those wounds ends up in the press when you meet —

AS: I know. There'll be a sentence in my obituary about it. I can't do anything about that. I'm at peace about it now.

CF: Well I think I told you afterwards that going through that, I think, made you a better judge.

AS: I have no doubt about that it teaches you that you can make mistakes close to home and I did, you know.

CF: What are in your view the most important cases you've handled as a district

judge?

AS: Obviously the Family trials, all of that was important. You know, we did some other things over there – one of them was in the environment dealing with Lake Michigan and the tributaries to Lake Michigan (Stream Pollution Control Bd. of State of Ind. v. U.S. Steel, Inc., 62 F.R.D. 31 (N.D. Ind. 1974) aff'd, 512 F.2d 1036 (7th Cir. 1975)), dealing with the steel mills and the open furnaces (United States Steel Corporation v. Train, 388 F.Supp. 65 (N.D. Ind. 1974)). I think both of those things are really important. It was not like the Family trials where you have juries and so forth. But we had a lot of litigation. Some of it got in the press with regard to the environmental issues regarding the water and the air. But it was pretty important. I took a pretty hard line on the steel industry doing what they had agreed to do and I wasn't particularly in any mood to apologize for it. They promised that they would put in new furnaces and they dragged their feet and they dragged their feet. Bill Ruckelshaus and I later talked about it and he said that they did. They were dragging their feet, he thought, unnecessarily. He's pretty conservative. I thought they were too and I told them they had to do what they promised, to do it and do it right away. They did, which proved to me that they could do it if they wanted to. I just happened to think that that was very important. I remember right after that the incident got on the front page of the Wall Street Journal and the Washington Post and so forth. One of my very old and very conservative friends who didn't agree with what I had done at all told me, he

said, “You are a worse danger to the country than Earl Warren,” which he wasn’t intending as a compliment. But I felt like I had done the right thing and I still do.

I also handled two very important school discrimination cases. One involved the School System in South Bend, Indiana, (*Britton v. South Bend Community School Corp.*, 593 F.Supp. 1223 (N.D. Ind. 1984), *aff’d* 775 F.2d 794 (7th Cir. 1985), *reh’g* granted, judgment vacated by 783 F.2d 104 (7th Cir. 1986), on *reh’g* 819 F.2d 766 (7th Cir. 1987), *cert. denied* 484 U.S. 925, 108 S.Ct. 288, 98 L.Ed.2d 248 (1987); *Brookins v. South Bend Community School Corp.*, 95 F.R.D. 407 (N.D. Ind. 1982), *aff’d* 710 F.2d 394 (7th Cir. 1983), *cert. denied* 466 U.S. 926, 104 S.Ct. 1707, 80 L.Ed.2d 181 (1984); *United States v. South Bend Community School Corp.*, 511 F. Supp. 1352 (N.D. Ind. 1981), *aff’d* 692 F.2d 623 (7th Cir. 1982)) and one involved the school system in Fort Wayne, Indiana. (*Parents for Quality Education With Integration, Inc. v. Fort Wayne Community Schools Corp.*, 662 F.Supp. 1475 (N.D. Ind. 1987)) I had the help of a former Superintendent of Schools of South Bend named Donald Dake who was enormously helpful, especially in Fort Wayne. I believe I accomplished what the Supreme Court decision had in mind in the famous *Brown v. Board of Education* in 1954. I also believe I was able to handle these important and highly sensitive cases without tearing the community apart.

CF: Are there other areas of the law that you are particularly proud of the

decision?

AS: Yes, I am proud of what I did as a lawyer on social security disability attorney fees. I went and argued it in the Supreme Court. (*Hopkins v. Cohen*, Acting Secretary of Health, Education and Welfare, 390 U.S. 530, 88 S. Ct. 1146, 20 L.Ed. 2d 87 (U.S. Ind. 1968)) I have told the story about arguing that case. I was scared to death, of course. Justice William O. Douglas never looked at me, never asked me any questions. He was writing, not paying attention. Then I said something to Justice Hugo Black that he didn't like and he got all over me. And then down at the end of the bench, Justice Abe Fortas, Potter Stewart and John Harlan were asking me cream puff questions trying to help me, especially Fortas. I had to have five votes. It was an eight-Justice bench because Thurgood Marshall had to stand out. He had acted as Solicitor General. Here I am green as a gourd, and arguing for attorney fees, and I have to have five justices and I figured I had lost Black and Douglas. The opinion comes out in about six weeks. Douglas wrote it for me, Black concurred for me, and Harlan, whom I admired greatly, and Fortas and Stewart, not a regular way that the court would divide. So I had five. Warren waited – Warren's a lot smarter than we give him credit for – he waited until the yellow light went on. You know that is very late and he had the question written out. You could tell. It was one that I did not have a ready answer for (chuckle), and he asked it and I stumbled through and finished up. But it was great.

CF: Here are pictures of your graduating class and you working on the farm back when you are in high school. Great pictures.

AS: You want these? I'll give you these.

CF: One of the questions I always like to ask is what makes Allen Sharp tick? What motivates you?

AS: I am kind of – it sounds a lot more intellectual than really I am – but I am really a product of history. My great interest in – I am a big Churchill buff.

CF: And a big Civil War buff too.

AS: Yes. I admire Lincoln a great deal. Lincoln was a master politician. The thing that I admire about Churchill is that he was enormously flawed, drank too much, great historian, loved to write about himself, of course. Lincoln was not greatly flawed, very little flaws in Lincoln. He wasn't big on the sins. Lincoln had a very fragile relationship with his father as I think most people know now, partly because his father wasn't ambitious and Lincoln was ambitious. He wanted out of the poor white trash element. I think that a combination of things triggered my ambition, living in Brown County in the poverty that I lived in.

CF: Were you aware that you were in poverty?

AS: By the time I got to college I was.

CF: But not when you were in grammar school and high school?

AS: Yes, there was some very deep rural poverty. That really doesn't exist in Brown County anymore. Yes, I knew, yes I think I did. History has become so important to me, teaching. I taught a course on the Constitutional Convention at Butler in the year of the Bicentennial, '78? That sound right?

CF: The bicentennial is '87 of the Constitution.

AS: '87. '87. Yes. I taught that year and I really enjoyed it. I enjoy the courtroom. I don't consider myself to be a profound intellectual, but a very interested one, but not profound. I love to travel and that all ties in together. I have really great friends in Australia. I see them, and I enjoy their culture and I enjoy them. Very interesting. I have some judge and lawyer friends in Australia whom I like very much. I am terribly grateful for what has happened and what has been possible in my life, and I'm about done. I'm getting tired. I gotta go do the dialysis yet today.

CF: All right. Thank you very much.

AS: No problem.



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Senate

TRIBUTE TO JUDGE ALLEN SHARP

Mr. LUGAR. Mr. President, today I pay tribute to a remarkable Hoosier, Judge Allen Sharp, as he assumes Senior Status after 34 years as a judge on the U.S. District Court for the Northern District of Indiana. As he enters this next phase of his career, I know that Judge Sharp will continue to serve the people of our State and Nation.

Upon graduating from the Indiana University School of Law in 1957, Judge Sharp entered private practice in Williamsport, IN, successfully arguing *Hopkins v. Cohen* before the U.S. Supreme Court in 1968. In 1969 Sharp became a Judge of the Appellate Court of Indiana, serving the people of Indiana in that capacity until he was confirmed as a U.S. District Judge in 1973.

Over the course of nearly three and a half decades on the U.S. District Court for the Northern District of Indiana, including 15 years as chief judge, Judge Sharp has served with distinction. In the performance of his duties, he has presided over civil and criminal jury trials in four different U.S. District Courts and sat by special designation on four U.S. Appeals Courts.

In addition to his exemplary service to our Nation as a member of the Federal judiciary, Judge Sharp also served with the U.S. Air Force Reserve, rising to the rank of Lieutenant Colonel.

Outside of the courtroom, Judge Sharp has also distinguished himself as a scholar, teaching at Butler University, Indiana University South Bend, and Milligan College. He has also authored both books and scholarly articles, several of which focus on historical aspects of the law and government.

I am pleased to join with my colleagues in congratulating Judge Sharp and his family as we celebrate his remarkable service.

Richard L. Lugar
U.S. Senator
Indiana