

“Sock it to me,” “Here come de judge,” and “And that’s the truth.”

(Indiana Supreme Court Justice Frank N. Richman)

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With theatrical help from Bernard Würger

You may wonder why I picked this particular title. All I can say in my defense is, “**The devil made me do it!**” Please know that this essay is not about *Laugh-In*, the wildly popular NBC TV comedy program of the late 60s and early 70s

The subject of my essay, Frank Nelson Richman, was born in Columbus, Indiana on July 1, 1881. He was the son of Silas Tevis Richman (1852-1938) and Elma Jane Baker (1857-1953).

Our subject’s earliest Richman ancestor in the United States, Harmon Richman (1680-1744), hailed from Germany and settled in Salem County, New Jersey. Although he was a Quaker, he and his son Jacob were early slave-owners in the northeast. By the time of the American Revolution, most Quakers had given up this practice and had become staunchly anti-slavery. Frank’s great-grandfather, William (1763-1823), was a school teacher and was the first of the Richmans to move west. He was a Quaker school teacher in Butler County, Ohio. One of his sons, Enoch (1800-1882), Frank’s grandfather, moved even further west to Decatur County, Indiana. He was a farmer and had transferred his allegiance to the Methodist Episcopal Church.

The Baker side of the family was from Rowan County, North Carolina. Richman’s great-grandfather, Samuel Baker (1804-1849) settled near Azalia in Bartholomew County, Indiana. He too was a farmer and a Methodist. Family lore has it that Samuel’s wife, Jincy Ellis Baker (1810-1873), rode through the Kentucky’s Cumberland Gap carrying her toddler son, Thomas Nelson Baker, Frank’s grandfather on her lap.

Jincy was reputed to be quite a character. When Samuel died prematurely she remarried less than a year later to a preacher to whom she gave guardianship of her three remaining sons at home. The marriage dissolved within a decade, with one of the major contentions being that her new husband’s daughters were encouraging Jincy’s sons to read scandalous books. She was a lay preacher in the Methodist Church, and Frank’s uncle Charles noted her to be “a gifted orator,” but “a little on the noisy side.”

Frank’s other grandfather, Thomas Nelson Baker (1831-1865, was a Methodist. Unlike his farmer father, he took up teaching as a career. He ran as a Republican for the Indiana State Legislature, but lost in the primary. When the Civil War intervened, he enlisted and eventually became a major in the 8th Cavalry, Company F, of the 39th Regular Indiana Volunteers. After he

was discharged, he died tragically of dysentery in Indianapolis while on his way home to Azalia, Indiana.

Frank Richman's father, Silas, was born in a log cabin three miles east of Hartsville, Indiana in Decatur County. He attended Hartsville College and then taught in Decatur County schools before earning his way through Asbury College and graduating in 1877. While working in the Jamestown schools for a year, Dr. Richman met and married Elma Jane Baker in 1878. He then returned to Columbus and taught in Columbus High School for a couple of years. It was during this Columbus sojourn that Frank's sister, Alice Myrtle, was born in 1879, followed by Frank in 1881.

Our subject's early years were characterized by a number of moves necessitated by his father's medical education and later medical practice. Dr. Richman graduated from Indiana Medical College in Indianapolis in 1883 and then practiced in Indianapolis for a year. Subsequently the family moved to Princeton, Kansas where he had a general practice until 1892 when Frank was eleven years of age. Next the Richmans moved to the south side of Chicago where Dr. Richman had a general practice until he retired in 1927. While in Chicago, Dr. Richman obtained his second M.D. degree from Northwestern University Medical School.

Frank Richman attended elementary school in Princeton, Kansas. His sister Alice was intellectually challenged, so Frank took charge and accompanied her to school allowing her to finish the fifth grade. After the family's move to Chicago, Richman attended and graduated from Englewood High School at age 16. Following in the footsteps of his father, he entered Northwestern University School of Medicine in 1897 and in the words of attorney and Bartholomew County Judge Julian Sharpnack, "toyed around with skeletons and cadavers for about two years and a half [and] decided that he didn't want to spend the rest of his life examining cadavers and skeletons, dead or alive." "Dead or alive?"

In 1901 Frank entered Lake Forest College on Chicago's north shore where he majored in English and graduated with an AB degree in 1904. While at Lake Forest he was quite active in extracurricular activities. He was a member of the Glee Club, and was Chapel Organist for two years. Amazingly, Frank never learned to read music; he played solely by ear. He won first prizes in English Composition, Old Testament Literature, and Debate, and was Editor-in-Chief of the *Stentor*, the student newspaper. Accomplished in sports, he was a pitcher for the college's baseball team. "Sock it to me." "Sock it to me." "Sock it to me."

Following his graduation from Lake Forest College and utilizing his writing and editing skills, Frank was a newspaper reporter for two years in Rockford, Illinois and La Crosse, Wisconsin. In 1906 he entered the University of Chicago School of Law where he studied for two years until September, 1908. He did not complete his last quarter.

Apparently hungry for money to support his future wife, in 1908 Mr. Richman was admitted to the bar of the Bartholomew County, Indiana Circuit Court. He began to practice law

in Columbus with his uncle, Charles S. Baker, who had graduated from the Central School of Law in Indianapolis in 1881. They formed the law firm of Baker and Richman. In 1933 they joined Julian Sharpnack in forming the Columbus law firm of Baker, Richman, and Sharpnack. Judge Sharpnack later joked that Richman had “convinced the court that he had the same kind of reputation that a saloon keeper had to establish in order to procure a liquor license” as established by Frank’s uncle Charles.

Having met his future wife, Edith Elizabeth Rogers (1885-1968) at Lake Forest College, Frank and Edith decided to tie the knot on Christmas Eve, December 24, 1908. The marriage occurred in Studley, Kansas “You’re kidding” where the bride’s parents had moved to a sheep ranch because Edith’s father, Dr. Lannes Edgar Rogers (1851-1941), had contracted tuberculosis from a dental patient and wanted a drier climate. The happy couple honeymooned in Chicago and points east.

Frank and Edith Richman had four children: Philip, born in 1911, Margaret, born in 1913, Frances, born in 1916, and Elizabeth, a surprise, born in 1929. At that time Edith’s hair had turned completely white. It’s not clear whether raising the first three children had contributed to the grey hair or whether the shock of a mid-life pregnancy had done it.

Frank and Edith Richman sent all four children to Indiana University. The eldest, Charles Philip, obtained both BA and LLB degrees. Margaret received her BA degree in Latin and both Frances and Elizabeth received BS degrees in Education. Between the four children, they produced nine grandchildren.

On July 1, 1939 Frank penned a letter to his children imploring them to “improve” their “minds,” “exercise,” and engage in “spiritual development” by “going to church once a week and just sitting there quietly in an atmosphere of worship” [even though] “you may not like or may disagree with the preacher.” He had no doubt that they would improve their minds because all were smart. At least three of them picked up the church habit and remained with the Presbyterian Church, but only one, Elizabeth, took his advice to exercise, and she did so religiously, even in her later years. Her most impressive accomplishment was climbing Mount Whitney in California at age 50.

While Edith was busy birthing and raising four children, Frank practiced law in Columbus from 1908 to 1940. However, he still did not have his coveted law degree. So in the fall term of the 1939-1940 year, he enrolled in courses at Indiana University School of Law in Bloomington. He transferred his credits to the University of Chicago School of Law and was finally awarded his coveted J.D. degree in March 1940.

During his Columbus, Indiana years Richman was extremely active in community affairs. He was one of the founders of the Columbus Boys’ Club, a charter member of the Columbus Rotary Club, and a founder of the Bartholomew County Historical Society. From 1922-1939 he was chairman of the Columbus chapter of the American Red Cross.

During his professional career, Richman had many accomplishments. He pushed for attorneys to have proper training before being admitted to the bar and helped in the preparation of bar admission rules that were eventually adopted by the Indiana Supreme Court. He was a member of the American Judicature Society, American Bar Association, Indiana State Bar Association, (President 1931-1932) and Bartholomew County Bar Association, the Order of the Coif, and Phi Delta Phi.

In 1940, at age 59 and after 32 years of practicing law, Frank Richman, a life-long Republican, announced his candidacy for nomination for Indiana Supreme Court Judge from the Second Judicial District. Although he had been active in community affairs, numerous professional organizations, and had held offices in both Columbus and Bartholomew Republican central committees, he had never run for political office. He won the election in November, 1940 and assumed his seat on the Supreme Court in January 1941 where he remained through 1946.

“Here come de judge.” “Here come de judge.”

Although Judge Richman was a Republican, he was moderate and noted for his honesty, integrity, and fairness. However, during the first half of the 1940s the Republican Party in Indiana was becoming more conservative and during the Indiana Republican convention of 1946, they purged the following Indiana Republicans, United States Senator Raymond Willis, Superintendent of Public Instruction Clement Malan, and Supreme Court Justice Richman. Richman was apparently purged because of his dissent in *State ex rel. v. Montgomery Circuit Court*. The 3-2 decision almost toppled Governor Ralph Gates’ plan to reform Indiana’s alcohol beverage laws. After the convention, Judge Richman went fishing.

Subsequent to his stint on the Indiana Supreme Court, Judge Richman was hired as a full professor of law at the Indiana University School of Law in Indianapolis. He had already been teaching coursework on labor law during summer recesses of the court. Although he was to begin teaching in February 1947, he was forced to take a leave of absence because he had been invited to be a judge at the International Military Tribunal in Nuremberg, Germany. The trials of the major Nazi war criminals had already concluded and this second set of trials, or Subsequent Proceedings, was to begin with trials of major industrialists who had helped the Nazi war machine by providing materials and employing the use of slave labor. Judge Richman was appointed to Tribunal IV which was to try Friedrich Flick and his associates.

After testing and interviews in Washington DC in early February 1947, Judge Richman embarked on the Thomas S. Barry bound for Bremerhaven, Germany. His immediate party included wife Edith, daughter Elizabeth, and his former secretary on the Indiana Supreme Court, Jean McGrew. Although they had arrived in Germany in late February, the indictment against Flick and his associated had already been filed. The five counts of the indictment included the use of slave labor, spoliation and plunder, crimes against humanity, cooperation with the SS, and

membership in the SS. Judge Richman sat on the bench with three associates, Judges Charles Sears, William Christianson, and Richard Dixon, who served as an alternate.

On April 19, 1947 the trial started in earnest with the six defendants all pleading not guilty. The trial lasted eight months. The results of the trial: count 1) Flick and his nephew Bernhard Weiss were found guilty; count 2) Flick was found guilty; count 3) all were acquitted as the court agreed that it had no jurisdiction; count 4) Flick and Otto Steinbrinck were found guilty; and count 5) Steinbrinck was found guilty. Three defendants were found not guilty. Weiss was sentenced to two and a half years, Steinbrinck received five years, and Flick received seven years.

My grandmother Edith Richman kept a diary of her experiences while in Germany. What follows is a small excerpt describing her watching and listening to one of the subsequent trials:

“Went to the Palace of Justice and spent the morning listening to the trial of Dr. Gaugodin, who was accused of responsibility for the use of inmates at Buchenwald for experiments. Many were inoculated with typhus virus. He claims that his entire responsibility was with the production of vaccine and he knew nothing of such inhumanity. He described his visits to the concentration camps which, according to him, were models of comfort & sanitation. Mr. Hardy, the prosecutor, conducted a very poor cross examination of the witness. He told us that he had been on a “party” the night before and had a blinding headache. Someone ought to tell him why he is over here.”

My grandfather gave numerous talks about his experiences at the Flick trial. The following excerpt describes his typical day while at trial:

“We sat from 9:30 a.m. until 4:30 p.m. Monday through Friday, with three short intermissions, one larger than the others, for lunch in a restaurant in the Palace of Justice. When Americans were speaking we could lay aside our head phones but for days on end we sat with them pressed against our ears, and by the end of the week were thoroughly tired. For relaxation on weekends we made sightseeing trips in Bavaria, the most beautiful part of Germany.”

Two other Indiana judges were in Nuremberg at the same time as Judge Richman. Judge Curtis Shake of Vincennes, Indiana was assigned to Tribunal VI, the Farben chemical company trial. Clarence F. Merrill, an Indianapolis attorney and one of the Indianapolis Literary Club’s deceased members, served as an alternate judicial member on the Farben case.

Following the Richmans’ return from Germany, Judge Richman resumed his teaching at the Indiana University School of Law in Indianapolis. He taught procedure, equity, and corporate law and did so until he retired as emeritus professor in 1952. Even in retirement, Richman kept busy with fishing and once was appointed by the Indiana Supreme Court to the Fayette Circuit Court in Connersville as acting judge.

Judge Richman hobbies were varied and included photography, fishing, golfing, contract bridge, and travel. His travel included several trips to Germany after the Nuremberg Trials, trips east to research genealogy with his wife, and fishing trips to Lake Temagami in Ontario, Canada where his brother-in-law, Ralph Rogers, owned an island.

Richman's trip of a life-time was sailing down the Ohio and Mississippi Rivers to New Orleans with his long-time Columbus friend, Clessie Cummins (1888-1968), founder of the Cummins Engine Company. Prior to their trip together, Cummins had made a trip down the Ohio and Mississippi Rivers in 1912. This trip started in a near disaster as Mr. Cummins and his brother-in-law, Brainard McCoy, had set out at dusk from Jeffersonville, Indiana on November 9. Intending to tie-up at Louisville, they crashed into a barge and lost half of their provisions. As they proceeded through the ship canal, they were almost overtaken by a steamboat. Later, and nearing the mouth of the Red River in Mississippi, they hit a snag and would have sunk had they not beached the boat by running aground.

With such a prelude, I am surprised that my grandfather would attempt such an expedition, but he did so on September 6, 1940 in a sailboat called the *Big Dipper*, which Cummins had built from a kit purchased from the Bay City Boat Works in Michigan. Cummins had taken three years to build this boat in a shed on his Bartholomew County farm. Nay-sayers doubted that the boat could ever be moved from the shed in which it had been built. The boat had a beam of 13 feet and drew four and a half feet of water. The main cabin had a kitchen and seats which converted into bunks at night. Forward was a bathroom and two more bunks. There were also two bunks in the engine room. Their trip from Madison, Indiana on the Ohio and Mississippi Rivers past New Orleans and on to Pensacola, Florida was fairly uneventful and took eighteen days. From there Richman took the train back to Columbus and Cummins sailed across the gulf to his winter home in Sarasota, Florida.

I have several personal recollections of my grandfather Richman. I always loved going to my grandparent's home on east 53rd Street in Indianapolis because Grandpa Richman smoked a pipe and the smell of his pipe tobacco was intoxicating. What I didn't enjoy were the occasions when Grandma Richman cooked her specialty, beef tongue. Ugh! On several occasions my grandparents Richman visited our Indianapolis home for Thanksgiving dinner and on these occasions Grandpa Richman and I would take a hike in Marott Park after dinner.

Six months before Judge Richman died, he was discovered to have colon cancer. He underwent surgery which included a colostomy. I remember very well that Grandpa thought that my brother and I should be a witness to his illness, so he invited us in to his bedroom to show us his surgical scars and colostomy bag. Frank died on April 28, 1956 and was buried at Columbus City Cemetery alongside his parents, Silas and Elma Jane Richman. A few feet away was where his old friend, Clessie Cummins was buried a little more than a year later.

Grandpa Richman was a really neat man...**"and that's the truth."**

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Photos



Photo 1: Frank and Alice Richman



Photo 2: Frank Richman on far left



Photo 3: Frank Richman



Photo 4: Clessie Cummins' *Big Dipper*



Photo 5: Painting of Frank Richman at Indianapolis School of Law



Photo 6: Indiana Supreme Court Justices Curtis Roll, Frank Richman, H Nathan Swaim, Michael Fansler, & Curtis Shake, January 1941



Photo 7: Frank Richman at Nuremberg



Photo 8: Frank Richman, top left, at Nuremberg Flick Trial