

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

BEFORE THE HONORABLE JOHN C. UHLER, JUDGE
HONORABLE SHERYL ANN DORNEY, JUDGE
HONORABLE PENNY L. BLACKWELL, JUDGE
HONORABLE MICHAEL J. BRILLHART, JUDGE
HONORABLE MARIA MUSTI COOK, JUDGE

P R O C E E D I N G S of the Bench and Bar of York County, Pennsylvania

Upon the Death of W I L S O N H. O L D H O U S E R, E S Q U I R E

Friday, August 7, 2009

Reported by: Beth L. Ness, RMR
Official Court Reporter

THE HONORABLE JUDGE JOHN C. UHLER: Good morning. Mr. McKonly?

ATTORNEY G. STEVEN MCKONLY: Judge Uhler, members of the Bench, fellow attorneys, County officials and family of Wilson Oldhouser, we are assembled here today to memorialize the life and career of Wilson H. Oldhouser, a member of the York County Bar Association, a colleague and a friend. Wilson passed away earlier this year. I recognize Wilson H. Oldhouser, III, to present a Minute to honor the memory of Wilson. At the conclusion of Bill's remarks, I welcome all present to come forward to the podium, introduce themselves, and second the Minute honoring Wilson Oldhouser.

THE HONORABLE JUDGE JOHN C. UHLER: Attorney Oldhouser?

ATTORNEY WILLIAM H. OLDHOUSER, III: May it please the Court, Mr. President, members of the Bench, members of the Bar, family and friends, I am Wilson Henry Oldhouser, III, the eldest grandchild of your erstwhile colleague, Wilson Henry Oldhouser. It is my high honor and sad duty to present this Minute in memory of my grandfather, who departed this life on April 26, 2009 at the age of 90.

I will begin with some biographical details. Granddad was born November 3, 1918 here in York. Reared in East York, he was a lifelong resident of York County until his advanced dementia made it possible for me to move him closer to me in Maryland without his realizing it. Although he traveled the world during his military service and on vacations with his wife Gladys, he never wanted to live anywhere other than right here in York County.

Granddad graduated from William Penn High School in 1936 and attended Thompson Business College and then worked as a clerk for the Western Maryland Railroad here in York, in Hagerstown and in Baltimore until his life was changed forever when he was drafted into the army in 1941.

He served in the Army Air Corps as a fighter pilot in World War II commanding a P-38 fighter squadron in some 60 bomber support combat missions totaling 311 hours over Italy and North Africa. He had three

confirmed kills of enemy aircraft and was awarded the Distinguished Flying Cross, 14 air medals and the Presidential Unit Citation. He later served in the Air Force Reserves, retiring in 1978 at the rank of Lieutenant Colonel.

After the war, granddad went to college on the GI bill. He earned his BS degree in economics from the Wharton School at the University of Pennsylvania, class of 1949, and an LLB from the University of Pennsylvania School of Law, graduating in 1952. During a legal career that spanned almost 50 years, granddad was a member of the Legislative Reference Bureau of the General Assembly of Pennsylvania in 1955 and 1956. He served in the Pennsylvania Department of Labor as Assistant Chief Counsel for the Pennsylvania Occupational Disease Fund from 1957 to 1964. He then left government service to establish a private law practice here in York where he became a regionally recognized expert in representation of black lung claimants.

For most of his career, he practiced out of the first floor office of his home at 29 North Queen Street, just a couple of blocks from here. Granddad volunteered his legal expertise as solicitor for the Pennsylvania Association of Retarded Children and as an AARP tax counselor for the elderly. He was also a long-time member and presiding justice of the York chapter of the Benevolent Protective Order of Elks.

He served as a member of the York County Council from 1972 to 1976. He was a lifetime member of St. Mark's Lutheran Church here in York where he served on the church council and frequently taught adult Sunday school classes.

An accomplished yachtsman, granddad raced small sailboats in regattas all over the east coast during the 1950s and '60s and cruised in his own sailboat on the Chesapeake Bay until well into his eighties. He was a lifetime member, past commodore and long-time weather modification officer of Susquehanna Yacht Club at Long Level.

In his fifties, granddad developed an interest in horses. He was for many years a member of the Rosetree Hunt Club and kept horses on his farm in New Bridgeville. He enjoyed fox hunting, show jumping and trail riding.

Granddad was married to the former Gladys Wigglesworth Sliker for 49 years. She passed away in 2005. He was also predeceased by his son, my father, Wilson Henry Oldhouser, Jr. He was survived by five grandchildren and eight great grandchildren.

Now I want to say a few personal things about my grandfather, some of which he would be appalled to learn were said in open court, to give you a sense of the man. Late one night in the beginning stages of granddad's Alzheimer's disease, I found myself in the emergency room at Memorial Hospital here in York for reasons that I no longer recall. After we endured the usual two-hour wait to see a doctor, the doctor finally saw us and with a young resident came to examine him.

The doctors were going through their standard list of diagnostic questions, things like have you had any recent surgeries, are you taking any medications and so on, and then they asked, "have you ever passed

out or experienced a blackout?" Granddad perked up. "Well, yes, I have." "Really? Please tell us about that." "Well," he said, "I was in a dog fight over Venice, Italy during World War II."

He went on to recount how his P-38 Lightning fighter plane had been hit and lost one of its two engines. He lost control of the plane and was in a steep dive. "I was looking down," he said, "and Venice was getting bigger and bigger." Just in the nick of time, he recalled having read, while in the latrine earlier that morning, a technical release that explained how to adjust a trim tab on his airplane that might be a help in a situation such as the one he now found himself in. Here he paused and noted parenthetically, "incidentally, Doc, this is why I always believed in reading on the hopper." He found the appropriate handle and pulled it as hard as he could just before he blacked out from the G-forces. When he came to, he said, "I saw only blue sky through the windshield. I thought I was in heaven." In a few moments he realized the trim tab adjustment had arrested the plane's dive and sent it going almost straight up into the sky. He leveled out and flew home.

One of the two doctors explained to him, "that's really not the type of blackout we were asking about, but that's a great story." That was granddad: courageous, daring, determined and practical, gregarious and profane.

A reporter called me after reading his obituary in the paper and said, "Wow, what a life, what an adventure!" He later spent some time talking with granddad's friend, Gene Schenk, and called me back again and said, "You know, it sounds like your grandfather was kind of a character." Those two statements express a great deal of how I feel about granddad.

When I was growing up as a child in South Carolina, he was a mythic figure in my life. He was a lawyer. I conjured up Perry-Mason-like images of him in the courtroom. He was a war hero. He did all these interesting and exciting and daring things, flying planes, racing sailboats, chasing foxes on horseback. My friends wanted to go to the beach or Disney World for their vacations, and they couldn't believe that all I wanted to do was visit my grandfather in Pennsylvania. I tried, usually without success, to explain to them that my grandfather was different from theirs. I had the cool grandfather, the one who took me sailing and horseback riding and let me drive the tractor on his farm. My friends wanted to be Roger Staubach or Bruce Springsteen. I wanted to be my grandfather. He was truly my hero.

As I grew older and a little less prone to hero worship, I became more appreciative of granddad the interesting character. He spoke in this strange and, to my southern ears, exotic way, a mix of military jargon, legalese and Pennsylvania Dutch colloquialisms. Instead of saying no, he would say negative, a hearkening back to his military days. I recently heard my son Matt answer a yes or no question negative. I am sure he got that from my grandfather, and it made me smile.

There were also expressions lingering from his youth in the Great Depression: It looks like the wreck of the Hesperus in here; remember the starving Armenians; holy crummy pats. And there were many other trademark expressions that are a bit too colorful to speak in this august setting. And, man, could he ever tell a story, especially at happy hour, his favorite time of day. And there was always a happy hour whenever he was in the presence of friends or family or at dinner sitting at the head of the table holding forth, as he liked to say, talking and chewing his food at the same time.

The stories are too long and involved to recount here, but anyone who has heard the story of the search for the rudder that fell off the boat on the way to the regatta in Norfolk, or the one about making the boat engine part from the fiberglass urinal pilfered from a jiffy john, will never forget them. He so enjoyed being with people, especially his family, always with a smile on his face and ready for a party.

As his friend Sandy Smith told me shortly after his death, granddad was a lot of things, but he was never boring. And, of course, there was his legendary frugality. My father used to say granddad could never sneak up on anyone because he was so tight that he squeaked when he walked. Most of his favorite stories involved saving money. Countless times he recalled how he bought Gladys a sweater for 35 cents or how he bought the river bungalow at a tax sale auction for \$95 or how he won a 1960 Cadillac, the black one with the big fins that looked like the bat mobile, in a raffle. I once heard Judge Uhler take judicial notice of granddad's behavior in the buffet line at Bar Association functions.

My mother put it right when she was talking about the problems that he used to have involving sailboats. And for you non-sailors out there, sailing is an inherently problem-filled activity. She said the most difficult thing was always figuring out how to solve the problem without spending any money.

His reluctance to part with money was apparent even to my young children. My 11-year-old daughter once asked me if I were paying for granddad's nursing home. I told her, no, great granddaddy is paying for it. Good thing he doesn't know it, she said.

Granddad practiced law into his early eighties, and entering his law office was like stepping back into a time warp in the 1950s because he never bought anything new for it after 1960. In the 21st century he was still using the same manual typewriter that he bought in law school and using carbon paper to make multiple copies of documents. That typewriter is now in my study at home as a kind of shrine. All the paint is worn off the left hand side from his hand going across returning the carriage for so many years. I also have a lot of his files, all in ragged manila folders with label tabs disintegrating from having been labeled in pencil, erased and re-labeled over and over again. He never had a photocopy machine or a fax machine, much less a computer. He even refused to upgrade from a rotary to a push button phone.

His hyper-Pennsylvania Dutch tightwadishness was a source of annoyance for me when I was younger, but now I see some wisdom in it. One of the last things he did while he still had his wits about him was to take over a million dollars of his carefully saved money and use it to fund college savings plans for three of his grandchildren and all of his great grandchildren, ten children altogether, some of whom, because of distance or decline in his memory, he had very little relationship with. My eldest son Sam is a rising senior in high school. We've been out visiting colleges, and I've tried to impress upon him that he has these wonderful educational opportunities that he would not have had but for his great grandfather's generosity.

I am fortunate beyond measure in having known my grandfather for over 46 years. I'm pleased that my wife and children know him well enough that they will never forget him. Despite the differences in our ages, he was one of my best friends. Granddad taught me a lot about life and about being a man. He's still the man in my life that I admire more than any other. Some of my happiest memories are of times I spent with him riding horses through the woods around his farm, sailing on the Susquehanna River and

the Chesapeake Bay, talking around the dinner table, even working all day in the mid-summer heat cutting fields or mucking the pole barn at the farm. He was just plain fun to be around no matter what miserable task we were doing. From him I learned the importance of thrift, hard work and entrepreneurial effort, self reliance, perseverance and how to drink single malt scotch.

He also taught me a love for the law. If you were to ask granddad what are you, the most likely answer would be I'm a lawyer. He enjoyed representing people who were in real need. Every Wednesday afternoon for more than 25 years, granddad would climb into his Cadillac and set off for his weekly two-day trip into the coal regions where, in obscure places like Pottsville, Tuscarora and Friedensburg, he would meet with his clients, coal miners suffering, often terribly, from black lung disease or their widows at their kitchen tables. His clients loved him and often kept in touch with him long after the conclusion of their cases.

He took great pride in being a lawyer, great satisfaction in being a member of the York County Bar Association, and great joy in his daily interaction with his fellow members of the Bar. His love for the law and being a lawyer played a significant role in my decision to follow him into the profession.

Over the last few years granddad suffered from Alzheimer's disease, gradually losing his memory and his ability to think and communicate. Alzheimer's is especially difficult and cruel for someone as articulate and intelligent as granddad. For a long time he realized what was happening to him and he was horrified by it. As I watched him endure the indignities that accompany that terrible disease, he taught me much about the proper way to go about dying. He never lost many of his essential qualities. He was a lawyer to the end. Shortly after I had him admitted to the nursing home, I visited him, and he reported that business was good, lots of wills and estates. He quit wearing a tie every day only when the nursing home staff grew weary of helping him put it on. He was a favorite of the staff, who referred to him as the ladies' man. Some things indeed do never change. He retained his playfulness.

I understand that he was a fiercely competitive badminton player, and my son Ben will always remember batting a beach ball around with him at the nursing home. Less than a month before he died, he and I shot baskets on a Nerf hoop the staff had set up for Final Four weekend. To the very end, he was as optimistic, gregarious and fun-loving as ever.

Granddad always tried to live life to the full because he was acutely aware that it would end, especially after his elder brother Woody developed Alzheimer's. He was, in a sense, always seeing Venice get bigger. While I'm sad to be separated from him, I'm pleased that granddad is at last free from the disease that crippled his mind and from all the infirmities of old age, and I am free to remember him as he was before his final decline. This time he really is in heaven and not just in the skies over Venice. I share his faith that on the last day he will rise again with a perfect body and mind and that I will once again have the joy of sitting at the dinner table with him sipping a beer, although I hope in the next life, when money presumably won't be an issue, we can enjoy something a little more refined than Old Milwaukee, and listening to his stories. I will spend the rest of my earthly life looking forward to that.

I want to thank you all for your kindness having me here as your guest today and permitting me to talk about my grandfather for a few minutes. He would be most honored to be remembered in this setting. God bless you all.

THE HONORABLE JOHN C. UHLER: Thank you, Attorney Oldhouser. Are there any seconds to the Minute in honor of Wilson Oldhouser? Attorney Fennick? And I would ask, and bear with me, some names I may have lost in my senior moments. If I don't recall your respective names, please spare me and tell me who you are.

ATTORNEY DANIEL FENNICK: I really shouldn't be up here first because I didn't know Wilson all that well, but the reason that I got up here first is as a favor to the rest of you because I was the first one in here when Bill came in, and I felt very uneasy by saying, you know, people might talk about Wilson being cheap. And he said, that's okay, I have a few of those stories myself. So I got up here first to let the rest of you know that it's all right to tell stories, so I'm going to tell my one Wilson being cheap story. When my partners, Bill Anderson and Steve Converse and I, saw the writing on the wall in 1981 after Ronald Reagan was elected and decided to cut legal services, that's when we formed our firm, and we had no money and were trying to equip our new offices as inexpensively as possible. And Wilson was in the property on North Queen Street that I think George Kane eventually bought, and he had some stuff for sale, a filing cabinet and a desk. And I went over to see him, and he had a desk and it had a piece of glass on it like this, and he had a filing cabinet for sale. And he had prices on them. And I suppose he wanted me to bargain, but I didn't care. It was cheap, so I just said fine, that's fine, I'll take these two things and come back in a week or so with my partners. And I said we have an issue about getting it to our new office, and he said, oh, don't worry, I'll give you a ride.

So Bill and Steve and I arrived back a week later or whatever it was, and I looked at the desk and the glass was not on the desk. And I said -- Oh, there was also a phone on the desk when I first saw it, a rotary phone as Bill pointed out. So I said, "Wilson, where's the glass?" He said, "Well, you didn't buy the glass, you bought the desk." And I got a little upset, and he said, "Look, there was a phone on the desk. You didn't think you bought the phone either when you bought the desk." So I got mad and said, "I paid you exactly what you asked for, I didn't even bargain with you, and, you know, we either get the glass or we're not buying anything." So then he relented. And giving us a ride, helping us, meant that Gladys and he, they allowed us to put the desk and the filing cabinet into -- I forget what it was called. It was that weird looking car that had just the front seat and then like a truck back. They don't make them anymore. El Camino. So he put -- He let us put the stuff in the El Camino, drove us to the office while we were standing in the back trying to make sure that nothing fell off. And we unloaded it, and his parting remarks were, "I hope you make as much money off of that desk as I did."

THE HONORABLE JUDGE JOHN C. UHLER: Thank you, Attorney Fennick. Are there any other seconds?

ATTORNEY HARRY MCNEAL: May it please the Court, Judge Uhler, members of the Bench, members of the Oldhouser family, members of the Bar, I'm Harry L. McNeal, Jr. I rise to pay tribute to Wilson's World War II combat service to our country. Advocacy of such a high order in the defense of freedom which requires the advocate to place his life on the line in face of a ruthless enemy is surely at least as noble

and worthy of memorialization as that which takes place in the courtroom where the opponent must play by well-established rules and the weapons are facts, ideas and words and the advocate is assured of going home at the end of the mission.

At the outset, I must make clear that I have no personal knowledge of Wilson's wartime service as I was not there. However, I want to pass on an interesting bit of information that I received from Wilson some years ago which provides a glimpse of some of the concerns that passed through the minds of the fighter pilots who were engaged in the hazardous business of attacking enemy ground positions and clashing with enemy planes. And I can personally attest to one aspect of Wilson's post war service that may in some small way illuminate what we know of Wilson's earlier wartime service. Some years ago Wilson told me that as an Army Air Force fighter pilot, he flew missions out of North Africa over Italy. To the best of my recollection, he told me he flew P-47s, the so-called "Jug", a large, powerful, single-engine plane that carried eight 50-caliber machine guns under each wing and it was capable of inflicting tremendous destruction on all but heavily armored targets. I recognize what his grandson has said that Wilson flew P-38s, as the obituary said the same thing, and so perhaps my memory is faulty, although I don't think so. And as I believe that both types of aircraft were in service in that field of operations, he might have flown both.

In any event, the planes which Wilson and his colleagues flew were unheated, which required that they wear leather, sheepskin-lined flying suits. These suits were equipped with booties of the same kind of material to keep the pilots' feet from going numb from the cold. However, this footwear was not suitable for any substantial amount of walking, and the pilots recognized the very real possibility that they might be shot down. With a view to avoiding capture should this be their fate, Wilson said that before going on a mission, the pilots would tie a pair of GI boots to their parachute harness. They hoped that, if downed in enemy territory, they might be able to walk out to Allied lines. He said that a number of his comrades had done so.

My own personal knowledge of Wilson began in the summer of 1950 or 1951 during the summer break from law school. The Air Force had offered reserve officers the opportunity to go on active duty for the normal term of the college summer vacation. I was looking for a summer job and the pay was not bad, so I accepted. I was stationed at the New Castle County Airport just south of Wilmington where the Air Force had two units, an F-86 interceptor unit and a reserve outfit of C-46s which the reservists flew on weekends. I was assigned to the C-46 reserve unit and, not being a pilot, was assigned to fly a desk. Wilson was one of the reserve pilots who flew the C-46s. If I recall correctly, he was a captain at the time. I had only a nodding acquaintance with him, and I did not know that he was from York, nor that he was a lawyer. And I would not have even known his name except that the captain who was in charge of my small group of second lieutenants was one of Wilson's instructor pilots. This kind gentleman, who commonly mispronounced names, on several occasions referred to "Oldhouse" when Wilson was nearby, and it was only years later that I realized that "Oldhouse" was our now deceased brother Wilson.

Some might ask why, if Wilson was a fighter pilot, was he flying C-46s. These are large, twin-engine transports that had been used during the war in the very dangerous job of flying "the hump", flying

over the Himalaya Mountains carrying munitions and gasoline into China. These aircraft are much slower and are less agile than a P-38 or a P-47. Several factors are involved. The piston engine fighters that Wilson flew some 6 or 7 years earlier were being phased out by the Air Force, and there were not enough of the new jet fighters that could be allotted to reserve outfits. Also, the kind of plane that was flown by the reservists was not always determined by their wartime aircraft. Often the location of a reserve unit that was most convenient to their homes determined the reservists' affiliation and, in turn, the type of equipment they would fly.

And remember, these fellows loved to fly. They would fly anything that was available, particularly if it did not cost anything and, better yet, if they were paid to do so, as were the reservists. If I remember correctly, Wilson, true to character, was able to wangle more than his normally-allotted hours of flight time. Having gone through the great stress of mortal danger during which he displayed a courage that was necessary to fulfill his missions, may Wilson rest in eternal peace. I respectfully second the Minute.

THE HONORABLE JUDGE JOHN C. UHLER: Thank you, Attorney McNeal. Are there any other seconds to the Minute? Any of the members of the judiciary?

THE HONORABLE MARIA MUSTI COOK: I rise to second the Minute so ably presented by Wilson's grandson. I knew Wilson only on a social basis. We would run into each other at the Bar Association functions, and he made a point of introducing himself to me early on because he knew my father, as they had both served in the Reserve Officers Association together. So it was always a pleasure to see Wilson, who enjoyed sharing stories of my father and his time in the reserves, and I extend my sympathies to his family.

THE HONORABLE JUDGE JOHN C. UHLER: Let me say at the outset that Judge Renn extends his apologies for his not being able to be here as President Judge and presiding over this Minute of Respect for Wilson, and I'm honored to be here in his stead as a former PJ. Wilson was a character. Without any hesitancy I say that. He was as sly with his sales methodology with his desk as he was in representing his clients. He was a zealous advocate on behalf of his clients. I enjoyed the smile that he bore every time that I saw him, and he was just such a delightful, delightful character, I hesitate to use the term reprobate at times, but he indeed would fit that bill as well. As his grandson indicated, his declining years at issue surrounding his cognitive abilities, the insidious disease of Alzheimer's and how that impacts one's quality of life, I'm sure, as Bill has indicated, up to the end Wilson maintained that devilish twinkle of the eye and the smile that he always carried throughout his lifetime as an attorney.

I did take judicial notice of his incorrigible conduct on the buffet line, and that was justly deserved and I will not take it back. That said, I have to thank Bill on behalf of the Bar Association for his eloquent Minute in Respect of his grandfather. There is always a debate as to the appropriateness of the continuation of these Minutes of Respect, and the debate evolves from the younger members of the Bar. They are not swelling to include themselves in observance to these Minutes, and it's a passing form of institutionalization of times gone by. I'm an advocate that these Minutes continue. How else can we memorialize the history of our members, the sheer diversity of interests that our members bring to the table and before us? And quite frankly, the Minute that has been presented by Bill has, quite frankly,

given a new focus, a new picture of Wilson that I never had the opportunity to experience, and I thank him for that.

We need to memorialize our history, and it's important not only for the family members but it's for the members of the Bar to recognize that there are more things to life than billable hours. That said, on behalf of the Bench, I extend my sympathy to the family members who are present and all those who could not be with us. I'll request Bill to identify what targeted members should receive a copy of these Minutes. I direct the court reporter to transcribe that which has been said here today and spread these Minutes across the Legal Record and be filed in the prothonotary's office of the Court of Common Pleas of York County.

We will retire and recess in honor of the memory of Wilson Oldhouser. Thank you for being here today.

(The proceeding concluded.)

C E R T I F I C A T I O N: I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the trial of the above cause, and that this copy is a correct transcript of the same.

Beth L. Ness, RMR Official Court Reporter