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THE HISTORICAL SOCIETY
OF THE UNITED STATES
DISTRICT COURT FOR THE
WESTERN DISTRICT OF MICHIGAN

STEREOSCOPE



Bull Moose Tracks in Marquette, Michigan

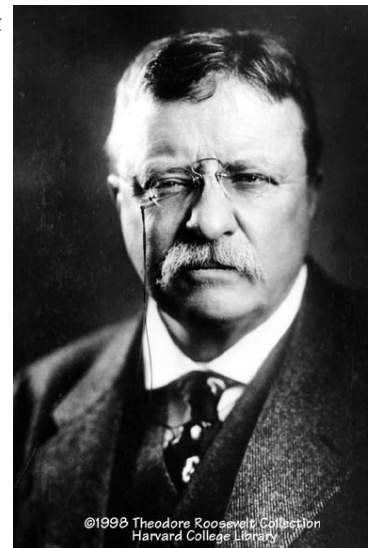
An Excerpt From *Colonel Roosevelt*, By
Pulitzer Prize Winning Author Edmund Morris

Introduction

By James Mitchell, President of the Federal Court Historical Society

Theodore “Teddy” Roosevelt, Republican President of the United States from September 14, 1901 – March 4, 1909, and Presidential candidate of the upstart “Bull Moose” party in 1912, has at least two noteworthy connections to the State of Michigan. One of rooted in tragedy. The assassination of William McKinley, which put Teddy Roosevelt in the White House, was consummated by Leon Czolgosz, who was born in Detroit, Michigan in 1873, and worked in the Upper Peninsula lumber camps of Seney, Michigan.

A more positive connection to Michigan occurred shortly after “Colonel Roosevelt’s” unsuccessful Bull Moose campaign of 1912. Roosevelt had been enticed by the leaders of the Bull Moose party to run against his former friend and successor to the Presidency, Republican William Howard Taft. The third candidate and winner in the race was the Democratic nominee Woodrow Wilson.



Theodore Roosevelt, 1916

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One George A. Newett, owner and publisher of the Ishpeming *Iron Ore*, and an active Republican, was apparently disgruntled with Colonel Roosevelt for making his third party run. Newett wrote an editorial for his newspaper, accusing candidate Roosevelt of “drinking and cursing,” and characterizing him as “paranoiac, mendacious, cowardly and a sore loser.”

Being substantially a tea totaler, these accusations were too much for Teddy to abide. He brought suit against the hapless Newett in Marquette, Michigan, bringing with him to our State a small army of distinguished witnesses, and nationwide notoriety.

Pulitzer Prize winning author Edmund Morris has written a masterful account of these proceedings in his new book, *Colonel Roosevelt*, published by Random House. The account is reprinted here with the permission of the publisher.

Account of Roosevelt v. Newett

By Edmund Morris

Chapter 14 A Vanished Elder World

Come away! come away! you can hear them calling, calling, Calling to us to come to them, and roam no more.

*Over there beyond the ridges and the land that lies between us,
There's an old song calling us to come!*

The county courthouse Marquette, Michigan, solidly dominated a high bluff on the south shore of Lake Superior. With its stained-glass dome and heavy mahogany paneling, it was intended to proclaim the importance of the little surrounding city as the manufacturing and export hub of one of the world's richest repositories of iron ore. But its architects could not have conceived that nine years after its construction, a former President of the United States should seek it out for justice, accompanied by a phalanx of distinguished lawyers, doctors, diplomats, editors, and reporters, not to mention a zoologist, a trade unionist, a forester, and two secret service agents, one of whom was detached from Woodrow Wilson's White House. In case the testimony of all these witnesses was not enough to convince a jury of his sobriety, Roosevelt also came armed with forty depositions, signed by persons as famous as Admiral George E. Dewey and as obscure as James Amos, his own black valet.

A jury of twelve local citizens was selected on the afternoon of Monday, 26 May, with Judge Richard C. Flannigan presiding. Attorneys for the defense, intimidated by Roosevelt's thick-spectacled stare, challenged only one venire man wearing a blue Bull Moose badge. The resulting panel

was about as varied as a provincial community could muster, consisting of four miners, three teamsters, two farmers, a lumberman, a fireman, and a gum-chewing blacksmith.

When the trial proper began on Tuesday morning, George A. Newett, owner and publisher of the Ishpeming *Iron Ore*, was escorted to a seat ten feet away from the plaintiff. With his steel-gray hair and oddly rigid posture, he looked as industrial as any product of Marquette County, except that the rigidity related to illness. Newett was due to be operated on as soon as the jury decided his fate.

He was a commanding figure nonetheless, registering no embarrassment when the full text of his 12 October 1912 editorial was read to the court. Apart from its accusations of drinking and cursing, it characterized the Colonel as paranoiac, mendacious, cowardly, and a sore loser. But there was a telling hint of political bias: "All that Roosevelt has gained he received from the hands of the Republican Party"

Newett was a stalwart of the county and state GOP committees. Roosevelt probably did not remember appointing him postmaster of Ishpeming in 1905. Nor was he aware that Newett would have supported him in 1912 if he and not Taft had been renominated by the Party. The publisher, in other words, *despised* him for bolting. And if the language of the editorial was abusive, it was accurate in noting that Roosevelt himself was no slouch when it came to personal invective. "All who oppose him are wreckers of the country, liars, knaves and undesirables." Perhaps for that reason, counsel for the plaintiff, led by James H. Pound, had decided to focus on the drunkenness charge—as Roosevelt did, when he took the stand as first witness.

I have never been drunk or in the slightest degree under the influence; of liquor. ... I do not drink either whiskey or brandy, except as I shall hereafter say, except as I drink it under the



Roosevelt campaigning in Marquette October 1912—speaking to a crowd of 6,000 on a platform at the railroad depot



Roosevelt and witnesses leaving the Marquette County Courthouse, LtoR: Frank Tyree, John O'Laughlin, Theodore Roosevelt, and William Hart (?)

direction of a doctor; I do not drink beer... I never drank liquor or porter or anything of that kind. I have never drunk a highball or cocktail in my life. I have sometimes drunk mint julep in the White House. There was a bed of mint there, and I may have drunk half a dozen mint juleps a year, and certainly no more. ...

At home, at dinner, I may partake of a glass or two glasses of white wine. At a public dinner, or a big dinner, if they have champagne I will take a glass or two glasses of champagne, but I take it publicly just as much as privately.

Asked about his medicinal use of spirits, he said that he had suffered from occasional attacks of malaria since serving in Cuba in 1898. Once, when delirious on a bear hunt as President, he had been given a shot of whiskey by Dr. Alexander Lambert. In Africa he had had two recurrences of fever and swallowed, at thy direction of Dr. Edgar Mearns, "about seven tablespoons" of brandy. There had been a case of

champagne among his safari effects, but he had never broken open a bottle, not even to celebrate killing lions and elephants.

According to *African Game Trails*, Mearns had treated him with whiskey, not brandy, but Roosevelt's very vagueness of recall testified to his lack of interest in alcohol. He was, manifestly to the four or five hundred reporters cramming the court, intent only on clearing his name. It was equally plain to the jurors, sitting so close to him that some of his gestures swished the air in front of their faces, why so many rumormongers had inferred over the years that Roosevelt was a toper. They stared at the red, contorting face, and listened in fascination to the unstoppable flow of speech.



Had they not been compelled to retire during the first recess, they would have heard him explain why he was so ruddy. Unable to resist the lure of newspapermen, he went over to the press table and sat on it like a boy, legs dangling. "Because of my high blood pressure, I guess, I'm always a great bleeder. I get

hurt and bleed so often that Mrs. Roosevelt pays no attention to it.”

He proceeded to tell the kind of anecdote that Lawrence Abbott had tried in vain to have him include in his autobiography. “The other day at Oyster Bay the windmill, on a sixty-foot derrick, was squeaking. I got an oil can and climbed up to oil it, neglecting to shut off the mill. Just as I got to the top, the wind veered. The paddle swung around and took off a slice of my scalp. I started to climb down, but I’m big and clumsy and it took quite a little while. By the time I got to the house my face and shoulders were drenched with blood. Inside the door I met Mrs. Roosevelt. ‘Theodore,’ she said, ‘I wish you’d do your bleeding in the bathroom. You’re spoiling every rug in the house.’”



Doctors Lambert, John B. Murphy, and Arthur D. Bevan, who had examined the Colonel during his prostration in Mercy Hospital the previous fall, proceeded to testify or depose that he was the opposite

of an alcoholic patient, with sweet breath, clear urine, no enlargement of the liver, and no tremor. He had an untroubled temperament, a balanced nervous system, and “slept like a child.” Their consensus was that he was a man in splendid health, with no addictive tendencies.

A qualification to these rosy opinions was expressed by Dr. Presley Rixey, who had been his physician in the White House, and had not seen him for four years. Rixey felt that Roosevelt was in only “fairly good” shape, with a noticeable gain in weight, but confirmed that he had always been abstemious. “He is about as moderate as a man could well be, and not be a teetotaler.” His appetite for food was another matter. Even with his vigorous exercise schedule in Washington, “I had to resort to extraordinary means to keep him down...to keep down the flesh.”

Roosevelt made no effort to hide his current paunch. He sat tilted back, caressing the heavy watch chain that draped over it, as witness after witness testified to the main issue of the trial. Robert Bacon, Gifford Pinchot, James R. Garfield, Truman H. Newberry, Jacob Riis, Edmund Heller, Cal O’Laughlin,

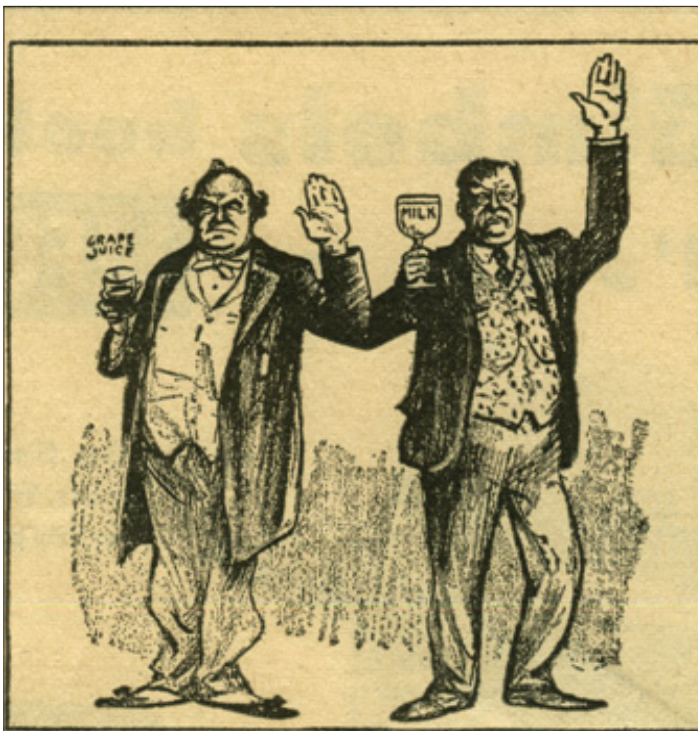


Iron Ore editor George Newett (on left) and Mr. Fairchild

O. K. Davis, Lawrence Abbott, William Loeb, and many others assured everybody in the courtroom that the Colonel's thirst for alcohol was only slightly greater than Carry Nation's.

By mid-morning Wednesday, lawyers for the defense were so desperate that they resorted to holding up the proceedings with technical objections. Judge Flannigan, seeing that they had no evidence to offer beyond rumor, called a recess and allowed them to argue that the *Iron Ore* "a little country newspaper, having a circulation of about three thousand," should be forgiven for going only one step further than many big-city dailies in criticizing "the most talked-about man in the United States in the past year." If not, their ailing client might have to pay as much as \$10,000 in damages.

James Pound said that Roosevelt was entitled to demand five times that amount. "But my client peremptorily instructed me that I was not to sue for any such sum." The Colonel had no wish to be punitive, and was not even interested in establishing malice. He merely wanted to stand on the actual damages" to his reputation, "under the circumstances of the publication." William Belden, Newett's chief counsel, seized on this stand to claim that his client was protected by Michigan's limit on nominal damages, which meant an award of six cents. The judge warned him that an absence of expressed malice did not necessarily imply absence of real injury. "It may be six cents, it may be sixty thousand dollars."



"Lips that touch liquor shall never touch mine"



—Cartoons From the New York World, June, 1913

Lashed to the wagon

When T. R. Sued to Prove Sobriety

Dedication of Sagamore Hill Memorial Revives Story of Famous Trial at Marquette, Mich., After Country Editor Called Teddy a Drunkard

Pound returned triumphant to the courtroom and the parade of witnesses for the plaintiff continued through Thursday. James Amos allowed that in ten years as Roosevelt's manservant, "I never yet have served him with more than one full glass of champagne." The Colonel never drank at family meals, and when sharing white wine with guests, would spritz his own glass with Apollinaris water. Cal O'Laughlin calibrated his consumption of this insipid fluid at "about an inch and a half to two inches." Philip Roosevelt stated that when Cousin Theodore was raw-throated from too much public speaking, he would dose himself with "milk punch," an infusion barely stronger than the dairy original.

Such repetitive testimony might have emptied the courtroom had it not been enlivened with details about Roosevelt's personal and family life, few of which had yet appeared (or would appear) in his serialized autobiography. The blacksmith in the jury became so engrossed he frequently stopped chewing.

By Saturday morning, George Newett had had enough, and asked to be sworn. Reading from a written statement, he described himself as somebody who had once considered Theodore Roosevelt to be "a great

Republican Leader" and who had contributed money and editorial support to his campaigns. "I mention these facts as indicating the impossibility of my harboring any feeling of personal malice against the plaintiff."

In recent years, however, he had traveled the country and heard many authoritative-sounding stories that Roosevelt drank to excess. Newspapers on his exchange list seemed to confirm these stories, and he had come to believe them. As a loyal Republican, he had felt obliged in any case to oppose the Colonel's Bull Moose candidacy. When Roosevelt passed through Marquette the previous fall, he had gone to hear him speak, and had been angered by "what I considered a most unjust attack upon our candidate for Congress, who was one of my lifelong friends."

Newett's *mea culpa* made clear that he had libeled the plaintiff for political, rather than personal reasons. Roosevelt had indeed attacked Rep. H. Olin Young as "a tool of the steel trust," and the congressman had subsequently gone down to defeat.

The trial was won long before Newett admitted that none of the "reputable witnesses" who told him Roosevelt was a drunkard were able to provide evidence on their charges. To continue to believe them would be

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The Marquette Daily Chronicle

Published in "Cleveland" Which is The Upper Peninsula of Michigan

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MARQUETTE, MICHIGAN, TUESDAY AFTERNOON, MAY 27, 1913.

PRICE THREE CENTS.

ROOSEVELT ON THE STAND

EX-PRESIDENT IN WITNESS CHAIR SWEARS HE NEVER DRUNK A COCKTAIL OR A HIGHBALL IN HIS LIFE—SAYS HE RARELY DRINKS MINT JULEPS—AS FOR BRANDY HE NEVER DRINKS IT ANY MORE THAN HE DOES WHISKEY—WHEN CAMPAIGNING HE DRINKS MILK BEFORE RETIRING.

CROSS EXAMINED BY ATTORNEY W. P. BELDEN

Jury Completed at Night Session—Case Begins With Testimony of Roosevelt Himself—Tells Briefly Story of His Life and Then Depicts His Habits So Far as Drinking is Concerned.

In the elaborate but small courtroom of this city Theodore Roosevelt appeared in what is probably an unique occasion in history when in effect he, although a former president of the United States, defended himself under oath against an allegation of drunkenness. His direct testimony lasted about an hour and cross-examination immediately began.

In substance Col. Roosevelt pictured himself as a man of complete sobriety, although not total abstainer. The leading points in his testimony may be quoted as follows:

"I am not a total abstainer."

"I have never drunk a highball or a cocktail in my life."

"I don't smoke and I don't drink beer and I don't drink red wine."

"I have never drunk whiskey or brandy except when the doctor prescribed it, or possibly, on some occasion after great exposure when I was chilled through."

"The only wines I have drunk have been white wines, maderia, champagne, or very occasionally a glass of sherry."

"At home at dinner I often drink a glass or two of white wine."

brandy. The bottle of brandy was taken for me because I do not drink whiskey.

No Brandy for Roosevelt.

As for brandy, I never drink it any more than I do whiskey when I am alone, or at home, or on a hunting trip, or in a friend's house. But on very hard campaigns, (as, for example, the advice of Surgeon General Hisey, and recently of Dr. Holbrook Curtis who attended to my throat in connection with

On my ranch we never had whiskey. I never made a practice of drinking at a bar, and I don't believe that I have drunk at a bar for twenty odd years. I do not believe I have been inside of a saloon during that time. I do not drink between meals, or except as above described.

On campaign trips I drink nothing until, as said above, I go to bed, when I take a goblet, or perhaps two goblets of milk, with a teaspoonful of brandy to the goblet, finding it rests my throat and makes me sleep well. On almost every campaign trip there will be some occasion on which I stop at a friend's house, when I will drink a glass of wine, or there will be some public dinner when I will drink either a glass of white wine or a glass of champagne. For example, in the Ohio campaign last year, during the nine days I touched nothing whatever on seven of the days excepting at night as above mentioned before going to bed.

It is agreed by the parties and counsels of both sides that the witnesses on both sides of this case, excepting the parties to the suit, are to be excluded from the court room. Rooms have been provided in the building for the accommodation of witnesses and the witnesses will now please retire."

All witnesses having retired, Attorney George H. Pound, attorney for Roosevelt, proceeded with his opening address to the jury. "Gentlemen of the jury," he said, "the plaintiff in this case is a native of New York, which invariably has been his home the major portion of his life. He has had the same uneventful life that the average city boy has, but when he raised to the dignity of manhood, the age at which has been set for one thousand years by the English as twenty-one, and he was permitted to

STATEMENT OF PROSECUTION

Attorney Pound Outlines Case of Theodore Roosevelt to the Jury Now Sitting in Judgment.

The first proceeding in the Roosevelt-Newett libel case, after the opening of court today, was the dismissal by Judge Mannigan, of all the witnesses in the case with the exception of the parties to the case, from the court room. In addressing them the judge said:

"I am ruled by court, and exception taken."

"Upon his return he became again a common ordinary citizen and so he desired to remain, until a certain crisis forced the plaintiff to take either a negative or an affirmative position. The result was that he became a candidate for the high office he has held. During the campaign he had occasion to go to different parts of the country, and while in the state of Wisconsin, in the city of Milwaukee, at a time when he faced a very serious crisis, he was apprised of the fact that the defendant in this case had published of and concerning him, what he claims, and what I claim, his representative, a wicked base, malicious and unjustified libel."

"New gentlemen of the jury, it was the defendant in this case, who at the hands of the plaintiff, when he was in power—"

(Objected to by Mr. Andrews, counsel for defense. Objection sustained.)

"I say the defendant was without any justification. He must have been in a condition of mind where he did not have, the fear of God before him."

(Objected to by counsel for defense. Objection sustained.)



IN CHARACTERISTIC POSE

bed, not drinking a drop of any kind until I was undressed and went to bed. The other two days were the occasion when I spoke at Toledo, and the occasion when I spoke at Cleveland. At Toledo, after the speech, Mr. Garfield, Mr. Post and I went to the home of Mr. and Mrs. Shopper, where we

colonelcy of the First United States (these campaign trips, have brought

“an injustice” to the Colonel. Newett did not apologize for his article, but he implicitly retracted it and he insisted that “in the publication I acted in good faith and without malice.”

Throughout, Roosevelt had leaned forward listening with intense concentration, occasionally casting a flash of spectacles at the gallery. When Newett finished reading he asked to be heard. “Your honor, in view of the statement of the defendant, I ask the Court to instruct the jury that I desire only nominal damages.”



After it was all over, and a nickel and a penny had been received by his lawyers, he pushed his way through a jostling crowd of congratulators. He was in a hurry to catch the 5:30 train and return home for what was left of the Memorial Day weekend. Charles Thompson of *The New York Times* managed to get close and ask, “Are you and Newett going to meet?”

Roosevelt looked back with an expression half surprised, half sardonic.

“Not if the advances are to come from me,” he said.



Roosevelt v. Newett was a front-page news story across the United States, and received wide coverage even in Britain. Comment on the Colonel’s Pyrrhic victory was generally supportive. *The New York Times* remarked that all Americans should be pleased to have seen libel rebuffed with honest truth. Satirists and cartoonists sharpened their pens. Hotels in Philadelphia reported a run on “Roosevelt punch.” The *Fort Wayne News* joked that the Colonel’s major achievement had been to disillusion those millions of Americans who thought he did not drink at all.



Jurors at the Roosevelt-Newett Trial (these men are not identified in order on the picture) Joesph Robear, teamster; William Fassbender, farmer; Robert Bruce, woodsman; William Pryor, locomotive fireman; Thomas Howard, farmer; John Johnson, farmer; W.H. Mathews, mining clerk; William Sharpe, teamster; Gus Paulson, blacksmith; Andrew Johnson, farmer; John Fredrickson, miner; William Garrow, miner.

The Rest of the Story

By Mr. Mitchell

A short time after his “Yooper Encounter,” Roosevelt was himself sued for libel in the Onondaga County, New York, Courthouse, by William Barnes. Barnes was a leader of the New York State Republican party—what one might call a party Boss. Indeed, Colonel Roosevelt did so, and was sued by Barnes for his remarks:

The State Government (New York) is rotten throughout in almost all its departments, and this is directly due to the dominance in politics of Mr. Murphy and his sub-bosses . . . aided and abetted where necessary by Mr. Barnes and the sub-bosses of Mr. Barnes.

As in his case against Newett, Colonel Roosevelt prevailed in his defense against Barnes, assisted by the testimony of his nephew and cousin, then assistant secretary of the Navy Franklin D. Roosevelt.

Judge Flannigan who presided over Colonel Roosevelt’s case in Marquette was appointed to the Michigan Supreme Court, fourteen years later, by Governor Fred Green. He was known as a hard working, straight forward, blunt yet intensely human person. (247 Mich. at Lii).

Little could be found of George A. Newett and the Ishpeming *Iron Ore* newspaper, save for his “moment in the sun,” compliments of Colonel Roosevelt. As noted in the excerpt by Edmund Morris, Newett had been a supporter of Roosevelt when he ran and served as a Republican president. One can only wonder at the conflicting emotions he felt upon being sued by the great man whom he once supported, but then forsook, apparently for reasons of party politics. Personally, I’d like to thank George A. Newett, for his part in creating “Bull Moose Tracks in Marquette, Michigan.”

—James A. Mitchell

Photos in the article from the Marquette Regional History Center.

EDITOR’S NOTE

The Trustees of the Historical Society for the United States District Court for the Western District of Michigan would like to thank the Historical Society of Michigan for its assistance in the publication of this issue. In particular, the Trustees thank John H. Logie for his obtaining the authorization of the Historical Society of Michigan for a later publication of the article entitled “Roosevelt vs. Newett: The Politics of Libel,” authored by Melvin G. Holli and C. David Tompkins and published in Volume 47 of Michigan History in December, 1963.



Roosevelt with Civil War Veterans, May 1913

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