

Volume 5 Issue 1

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

STEREOSCOPE



Honorable Wendell A. Miles: Soldier, Prosecutor, Professor, Court Historian, and Judge Extraordinaire

This issue is dedicated to Federal District Judge Wendell Alverson Miles, who celebrated his 90th birthday April 17, 2006, and is still going strong. Judge Miles was instrumental in establishing the Historical Society for the United States District Court for the Western District of Michigan only a few years ago and, at meetings of the Society's board of trustees, graces us with reminiscences of litigation gone by and character sketches of judges, lawyers, and witnesses. By dedicating this issue of the Journal to Judge Miles, we express our sincere thanks and deep gratitude for all that he has bestowed on the bench, the bar, and the entire West Michigan community.

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The following is a reprint of Judge Miles' official biographical summary in the official History of the Sixth Circuit, which may be found at: www.ca6.uscourts.gov/lib_hist/Courts/district%20court/MI/WDMI/judges/wam-bio.html

Wendell Alverson Miles(1916-)



United States District Court, Western District of Michigan (1974-)

Nominated: March 29, 1974

Confirmed: April 10, 1974

Appointed: April 17, 1974

Entered on Duty: May 9, 1974

Chief Judge: January 1, 1980-April 17, 1986

Senior Status: May 6, 1986

Date of Birth

- April 17, 1916, Holland, Michigan

Education

- Hope College, B.A., 1938
- University of Wyoming, M.A., 1939
- University of Michigan, J.D., 1942

Military Service

- United States Army, 1942-1947

Private Practice

- Miles & Miles, Holland, Michigan, 1948-1953
- Miles, Mika, Meyers & Beckett, Grand Rapids, Michigan, 1961-1970

Judicial Experience

- Circuit Judge, 20th Judicial Circuit of Michigan, 1970-1974
- Judge, U. S. District Court, Western District of Michigan, 1974-1986
- Chief Judge, U. S. District Court, Western District of Michigan, 1980-1986
- Senior Judge, U. S. District Court, Western District of Michigan, 1986-present
- Judge, Foreign Intelligence Surveillance Court, 1989-1996

Judicial Committees & Activities

- Western District of Michigan Court Historian, 2000-present

Government Service

- Prosecuting Attorney, Ottawa County, Michigan, 1949–1953
- United States Attorney, Western District of Michigan, 1953–1960

Academic Positions

- Instructor, Hope College, 1948–1953
- Instructor, American Institute of Banking, 1953–1960
- Adjunct Professor, Hope College, 1979–present

Other Employment

- Special Counsel, Grand Rapids School Board, 1961–1970
- Special Counsel, City of Grand Rapids, 1961–1970
- Special Trial Counsel, Michigan Consolidated, 1962–1970
- General Counsel, Ferris State College, 1965–1970

Professional Associations

- Grand Rapids Bar Association Board of Directors, 1963
- State Bar of Michigan
- American Bar Association
- Fellow, American Bar Foundation
- Federal Bar Association
- Fellow, Federal Bar Foundation
- Ottawa County Bar Association
- 20th Judicial Circuit Bar Association, 1948–1960; president, 1952
- American Judicature Society
- Grand Rapids Inns of Court, 1995–present

Civic & Other Activities

- Holland Board of Education, 1951–1953; president, 1961–1963
- Penisular Club, 1948–present
- Macatawa Bay Yacht Club, 1948–present
- Holland Board of Governors, University of Michigan Club, 1955–present
- Mason, 32 degree
- Chairman, Statewide Republican Policy Constitution and Revision Commission, 1962
- Vice Chairman, Michigan Higher Education Commission, 1974–1985
- Grand Rapids Torch Club, 1953–present; president, 1974
- Grand Rapids Rotary Club, 1974–present

Honors and Awards

- Honorary LL.D., Detroit College of Law, 1979
- Honorary LL.D., Hope College, 1980

History of the Sixth Circuit Court of Appeals

Presented by Michael Barone, Senior Writer for U.S. News And World Report
at the Sixth Circuit Judicial Conference
Detroit, Michigan, May 19, 2006

Thank you. It's a great honor to be asked to speak to the Sixth Circuit Judicial Conference. You know, I understand that out on the West Coast, the Ninth Circuit also voted to have a Circuit Conference. But the Supreme Court reversed them nine to nothing. It's a special honor for one who was once a law clerk in the Sixth Circuit, for the late Judge Wade H. McCree, Jr. I'm very glad to see in the audience a friend so many of us know and have long admired, Mrs. Dores McCree. And I'm happy to be able to say that also in the audience are the two people who have contributed more to my life and whatever success I've had than anyone else—my parents, Jerry and Alice Barone.

It's good to be back in Detroit and to reminisce about my own days as a Sixth Circuit law clerk. I must say that I felt very grand and exalted in those days. As one of two law clerks, I had a huge office in the Federal Building on Fort Street, something like 40 feet long and 30 feet wide, with 20-foot ceilings, bookshelves with hundreds of volumes of the Federal Reports, a huge desk with the high-tech equipment of the day—an IBM Selectric typewriter—and a conference table that seated 14. But I was taken aback a little when Judge McCree told me that I had better enjoy it, because I would never again have a larger office unless I was appointed a federal judge. Well, I'm still waiting for that appointment, but as usual, Judge McCree was right: every office I've had since then has been smaller than the one before. My office at U.S. News is about 10 feet by 8 feet, and it has chairs that will seat two visitors in a pinch.

I have many memories of my two years at the Sixth Circuit—of listening to oral argument of cases in the beautiful courtroom in Cincinnati, delivered in all the accents that you hear from Michigan, Ohio, Kentucky, and Tennessee. I remember hearing moonshine prosecutions being defended, somewhat perfunctorily, by a young assistant U.S. attorney from Nashville named Fred Thompson, who went on to become a lead counsel on the Watergate Committee and a U.S. senator—and then to achieve real fame as an actor. I remember Judge McCree showing me that he was able to recite in Latin more of the opening lines of the Aeneid than I could remember, and then completely overtopping me by reciting in ancient Greek lines from the Anabasis. I remember occasionally going down the elevator in the Federal Building to

Congressman John Conyers's office and being greeted by his receptionist, Rosa Parks.

Those were in many ways grim years in Detroit. In 1967, I had worked as an intern in the office of the mayor of Detroit, Jerome Cavanagh, and was at his side during the six-day riot in July 1967; at one point he asked me, a first-year law student, whether he had authority to order a curfew. In the years of my clerkship, there was great controversy over the district court's decision in the Detroit busing case, ordering busing of students from the central city to the suburbs. While I was a clerk, there were raging protests of the Vietnam war and the so-called Moratorium. But in Judge McCree's chambers and in the Sixth Circuit courtroom in Cincinnati, things were more serene. Not because Judge McCree and his colleagues were unaware of the turbulence in the outer world, but because they were dedicated to do justice, impartially, under law. They disagreed on particular cases, but I never heard Judge McCree utter a disparaging word about any of his colleagues—and knew instinctively that he would never tolerate any from his clerks.

Since my days as a law clerk, I have gone on to other things. I did practice law—for four billable hours—and got paid for two of them. Then I went into political writing, with the first edition of my *Almanac of American Politics*, and into political consulting and then journalism. From law to political consulting to journalism—each profession paying less than the one before, and each held in less esteem. I guess my next profession is selling used cars.

This evening I'd like to talk to you about history—with perhaps just a little politics thrown in. As I was pondering what I'd talk to you about, I thought suddenly of one of my favorite history books, David Hackett Fischer's *Albion's Seed*. And it struck me that *Albion's Seed* tells us a lot about the Sixth Circuit—about the people who settled and now live in these four states, the nation's second most populous federal judicial circuit, and, I would argue, the one which in many ways is the circuit most typical of America as a whole.

The central argument of *Albion's Seed* is that the American colonies were settled by four distinct groups from four separate parts of the British Isles, who brought with them distinctive folkways which have ever since characterized those regions of America and the regions to

which the descendants of those settlers moved and have characterized those later immigrants who came from other parts of the world to each of those regions. Folkways, in Fischer's book, include all manner of things—from speech patterns to building styles, marriage and sex and child-rearing, religion and food and dress, ideas of rank and ideas of order and ideas of freedom.

New England was settled by people from East Anglia, the region of England northeast of London—Puritans. Virginia and the Chesapeake colonies were settled by people from the West Country of England, Cavaliers and their indentured servants. The Delaware River Valley, Pennsylvania and New Jersey and Delaware, were settled by Englishmen from the North Midlands, many of them Quakers. And the Appalachian borderlands, from Pennsylvania south through the Carolinas, were settled by North Britons, people from the North of England, the Scottish borders and Northern Ireland—Presbyterians.

I can't do justice in any short time to the richness of Fischer's characterization of the folkways that these people brought from the different regions of the British Isles to the different regions of America. But let me try to characterize them briefly.

The New Englanders believed in moral improvement, to be enforced on others; high literacy; and what Fischer calls ordered liberty. Transferred across the sea, the Norfolk whine of East Anglia became the New England twang that we have heard in our own time even from New Englanders who were the descendants of later immigrants like John F. Kennedy and Michael Dukakis. The New Englanders may have been slave traders in the colonies, but in time their stern morality led them to lead America's antislavery movement—and, another instance that would have surprised their ancestors, the movement for Prohibition.

The Virginians were the descendants of West Country Cavaliers, gentlemen who believed in honor and also in rank, and their indentured servants who saw themselves, as their ancestors had been in England, of a lower order. The Cavaliers would fight for their idea of hegemonic liberty, as George Washington and Lighthorse Harry Lee did in the American Revolution and as Robert E. Lee and Stonewall Jackson did in the Civil War.

The North Midlands people who settled the Delaware Valley believed in a stern morality, but unlike the New Englanders, they did not believe in community morality but in individual morality: you should do your best as you saw it in your light but not try to impose your way on others—what Fischer calls reciprocal liberty.

The people who settled the Appalachian chain, mostly in the last few years before the American Revolution, came from the fighting borderlands of Britain and Ireland, where

armed brawls and clan feuds led to pitched battles in the seventeenth and eighteenth centuries. They were fiercely egalitarian, in many cases Presbyterians who believed that men—and women—should all read and interpret the Bible in their own way, and be ready to fight those who did wrong by their family—what Fischer calls natural liberty.

Of course, none of these groups of settlers landed immediately in the states that now make up the Sixth Circuit. But in the first years of the Republic, and even in a few years before the Revolution, they did—and left imprints that are still visible today.

The first to come were the Virginians, over the Cumberland Gap, into the green lands of Kentucky, in the 1770s and 1780s; and remember that Kentucky was admitted to the Union in 1792, just one year after that other mountain republic, Vermont. The prototype is Henry Clay, originally from Virginia, the gallant champion of the West, a major leader in American politics from 1811, when he was elected Speaker of the House, until his death in 1852. You can still see the Cavalier culture, I think, in the Bluegrass region of Kentucky, with the manicured horse farms around Lexington, and you can see its spirit in Derby Day in Louisville every May.

Then came the mountain people, over the Appalachians, into parts of Kentucky and especially Tennessee, which was admitted to the Union in 1796. The prototype here is Andrew Jackson, born poor and fighting the English before he was a teenager. A self-made man, he was violently in love with his wife—so violently that he killed men in duels for saying bad things about her. The Jacksonian spirit still lives on as a vital force in America; as the foreign policy scholar Walter Russell Mead put it, "I'm peaceable and tolerant, but if you threaten my family, I'll kill you." And it lives on in country music, with its headquarters in Andrew Jackson's home town of Nashville.

Then came, more quietly, the North Midlanders from the Delaware Valley. They moved into parts of Ohio, which was admitted to the Union in 1803, and left their imprint especially on Cincinnati, the biggest city in the interior of the United States at the time of the Civil War and after. If you look at the street map of downtown Cincinnati and turn it sideways, you will see the street map of Center City Philadelphia, with numbered streets running one way and named streets with the same names—Race, Vine, Walnut, Chestnut—running the other. German immigrants did much to establish the character of Cincinnati, as they had in Philadelphia and Pennsylvania some years before, and they took on the character of the North Midlands folkways. Perhaps we have them to thank not only for Philadelphia scrapple but also four-way Cincinnati chili.

And then there are the New Englanders. In the years after the American Revolution, New England Yankees rapidly moved west, through Upstate New York and into the northeast corner of Ohio – the Western Reserve, originally set out as part of Connecticut in 1784. The New England diaspora rapidly moved west, settling northern Ohio and southern Michigan, establishing congregational churches and dozens of colleges, including Oberlin College, the first American college to admit women and blacks, and Hillsdale College, which a few years later followed its example. They were the founders of the Republican party and the northeast corner of Ohio, represented in the 1860s and 1870s by future President James Garfield, which was the most Republican congressional district in the country. Immigrants from southern and eastern Europe moved into Cleveland and Detroit, but these cities still kept some of their New England folkways.

As David Hackett Fischer acknowledges, his four categories of colonists were not the only people who settled America. There were the New Yorkers, with a culture that derives from its original Dutch settlers, and which has not been much transplanted to the rest of the country; although Hillary Rodham Clinton, who grew up in the Chicago suburbs, has assured us that she has always been a New York Yankees fan, and has now been elected a senator from New York. Consider Americans of African descent, who bring a heritage of special oppression and special richness to the rest of us. It was across the Ohio River, between Bracken County, Kentucky, and Brown County, Ohio, that Liza escaped to freedom across the frozen ice floes in *Uncle Tom's Cabin*—which was written by Harriet Beecher Stowe of Cincinnati. In the far southwest corner of the Sixth Circuit, in Memphis, Tennessee, there is the black community that gave birth to blues music and rhythm and blues, and inspired a poor white in the housing projects, Elvis Presley.

The boundaries of the 12 judicial circuits of the United States Court of Appeals were established in the 19th century and modified in the 20th—and may be modified in the 21st if some of the western states that want to get out from under the heel of the 9th Circuit get their way. But as I look at all the circuits, I think that the Sixth Circuit, more than any other, is made up of Americans who derive from all the traditions that David Hackett Fischer describes in *Albion's Seed*. And I think one proof of that comes from politics. Crunching numbers as I like to do—I can't think of

anything more fun than staying up and calculating political percentages for different groups of states and districts—I have noticed a pattern. The four states of the Sixth Circuit, aggregated together, have voted almost exactly as the nation as a whole for more than 40 years. The Sixth Circuit voted for President Bush in 2000 and 2004, for President Clinton in 1992 and 1996, for the first President Bush in 1988, for President Reagan in 1980 and 1984, for President Carter (by a very narrow margin—but so did the nation) in 1976, for President Nixon in 1968 and 1972, for President Johnson in 1964. You have to go back to 1960 to find an election where the Sixth Circuit voted the opposite way from the nation as a whole, and mostly because Ohio went more for Richard Nixon than anyone expected. As then, candidate Kennedy said, in a rousing rally in Columbus, "I don't know where I get more cheers and fewer votes."

If you look at the results of the 2004 presidential election by circuit you see the same thing. The First, Second and Third Circuits on the East Coast gave all their electoral votes to John Kerry. So, obviously, did the D. C. Circuit. The Ninth Circuit, where California casts more votes than the rest of the states combined, voted for Kerry, and so did the Seventh Circuit, where the Chicago area outvoted downstate, and Indiana and Wisconsin were tied. The Fifth and Tenth Circuits in the West voted heavily for George W. Bush; so, by lesser margins, did the Fourth and Eleventh Circuits in the South and the Eighth Circuit in the Great Plains west of the Mississippi River. The four states of the Sixth Circuit voted 52 percent for George W. Bush and 47 percent for John Kerry—just one percent more for Bush and less for Kerry than the country as a whole, the closest circuit to the national average. Indeed, going back to 1960, the Sixth Circuit has never voted more than two percent away from the average of the nation as a whole.

Is there a message here that is relevant to your work in doing justice in the federal courts? Only this, I think, that within your jurisdiction you have, more than the judges of any other circuit, the whole of America proportionately represented, presenting to you, I suspect, the whole range of legal issues and challenges before judges in this country—even if you still get a disproportionate number of moonshine cases. The Sixth Circuit is, more than any other, America in full. It was a privilege to serve there, and it is an honor to be here tonight. Thank you.

Curriculum Vitae of Michael Barone



Michael Barone is a senior writer for *U.S. News & World Report*. He grew up in Detroit and Birmingham, Michigan. Mr. Barone graduated from Harvard College (1966) and Yale Law School (1969) and was editor of the *Harvard Crimson* and the *Yale Law Journal*.

Mr. Barone served as law clerk to Judge Wade H. McCree, Jr., of the United States Court of Appeals for the Sixth Circuit from 1969 to 1971. From 1974 to 1981, he was a vice president of the polling firm of Peter D. Hart Research Associates. From 1981 to 1988, he was a member of the editorial page staff of the *Washington Post*. From 1989 to 1996, and again from 1998 to present, he has been a senior writer with *U.S. News & World Report*. From 1996 to 1998, he was a senior staff editor at *Reader's Digest*.

Mr. Barone is the principal co-author of *The Almanac of American Politics*, published by National Journal every two

years. The first edition appeared in 1971, and the 15th edition, *The Almanac of American Politics 2000*, appeared in July 1999. He is also the author of *Our Country: The Shaping of America from Roosevelt to Reagan* (Free Press, 1990). His essays have appeared in several other books, including *Our Harvard* and *Beyond the Godfather*. Over the years he has written for many publications, including *The Economist*, *The New York Times*, the *Detroit News*, the *Detroit Free Press*, the *Weekly Standard*, the *New Republic*, *National Review*, the *American Spectator*, *American Enterprise*, the *Times Literary Supplement*, the *Daily Telegraph of London*, and the Italian publication, *Libro Aperto*.

Mr. Barone is a regular panelist for the *McLaughlin Group* and has appeared on many other television programs and networks, including the Fox News Channel, MSNBC, CNBC, CNN, *Meet the Press*, *This Week*, *Today*, *Good Morning America*, *Hardball*, *Crossfire*, the British Broadcasting Company, ITN of Britain, the Canadian Broadcasting Company, and the Australian Broadcasting Company.

Mr. Barone lives in Washington, D.C. He has traveled to all 50 states and all 435 congressional districts. He has also traveled to 37 foreign countries and has reported on the most recent elections in Mexico, Italy, Russia, and Britain.

Western District Historical Society Mission

The Historical Society was created to research, collect and preserve the history of the lawyers, judges and cases that have comprised the federal court community in Western Michigan and the Upper Peninsula, and to share this information with the public in an effort to promote a better understanding of the region, the court and the rule of law.

Interview with Judge Wendell A. Miles, Recipient of FBA Service to the Profession Award

The following is the record of an interview of Federal District Court Judge Wendell A. Miles conducted in December 1998, by Patrick Mears and Michelle LeVeque in Judge Miles' chambers. The following is not a verbatim transcript of the interview, but is a summary that hopefully captures its essence and flavor.

MEARS: Can you tell us something about your family background?

JUDGE MILES: I was born on April 17, 1916, in Holland, Michigan. My father, Fred T. Miles, was the son of a farmer and Civil War veteran. My mother, Dena D. Alverson Miles, was the daughter of a Methodist preacher and Civil War veteran. My father was one of seven children and left school when he was in the fifth grade. Later, at age 17, he enrolled in Hope College and was later awarded an honorary degree from that institution. I was one of three children. My brother, Frederick T. Miles, was the probate judge for Ottawa County for 28 years, and my brother, Lloyd George Miles was a school teacher in Grand Haven, Michigan. My father was elected as circuit court judge for Ottawa County in 1928 and held that position until 1948. The

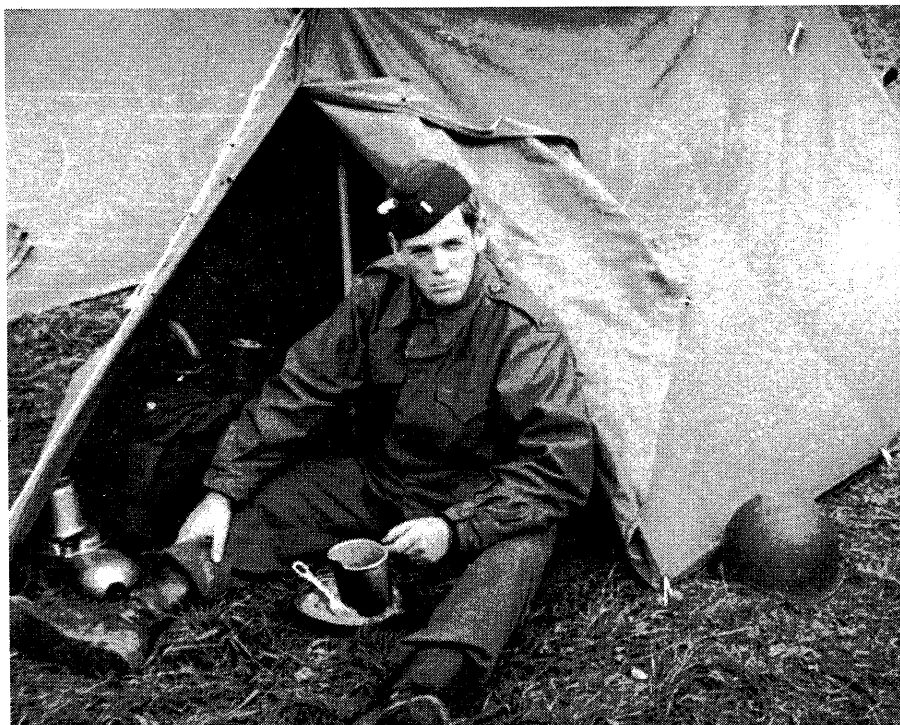
hand carved, wooden desk in my office was at one time my father's courtroom bench in Grand Haven.

I grew up in Holland and received my bachelor of arts degree from Hope College in 1938. The next year, I was awarded a master's degree from the University of Wyoming in Laramie. From there, I entered The University of Michigan Law School, where I received my juris doctorate in May 1942. My father swore me in as an attorney after I passed the Michigan bar examination.

MEARS: I understand that you were in the United States Army during World War II.

JUDGE MILES: I was inducted into the army in October 1942 at Fort Custer, Michigan, and took my basic training at Fort Riley, Kansas. I graduated as provost marshal from officers' candidate school in April 1943

and was assigned to Camp Hood in Texas. My first assignment was to interview German Afrika Korps prisoners being held there. I was picked for this duty because I had taken two years of German at Hope College. I was ultimately able to speak fluent German because of the coaching I received from a German Wehrmacht sergeant who had attended Columbia University before the war. In interviewing these prisoners, I would classify them according to a spectrum of political attitudes so that they could be segregated in prison according to their political philosophy. We put all the ardent Nazis in one camp, for example, so that they would not intimidate and physically harm other German POWs who held moderate political views. I also taught these prisoners about the American political system. They were generally amazed that, during 1944, in the midst of the war, we would hold a presidential election.



Judge Miles in the European Theater during World War II

In August of 1944, I landed at Normandy only two months after D-Day in General Patton's Third Army. My assignment there was to interview German POWs immediately after their capture to obtain information on gun emplacements, the location of German reserves, and the like. It was important for us to obtain this information quickly to save American lives. I performed this duty in France, Belgium, and Germany as the Third Army advanced into the Reich. I also made three trips with German POWs across the Atlantic Ocean to the United States.

When the European war ended, my company was scheduled to be transferred to the Pacific front, but I didn't want to go there. I had enough earned "points" to permit me to be released from active duty. On my release, I enrolled in a special course at the Sorbonne in Paris and was then assigned in April 1945 to try black marketeering cases as a JAG officer in Marseille. These trials were held in Marseille because U.S. Army supplies would be delivered there for distribution to the troops in the Seventh Army. Many of the defendants being tried were members of the army who would sell these supplies to French civilians on the black market. During my stay in Marseille, I would often fly to Rome for weekends on U.S. bombers. I would either sit on the floor of the plane or in the bomb rack, where we would be called "shark meat" by the pilots. The greatest American whom I ever met, Bob Hope, came to Marseille along with Jerry Colonna and Frances Langford to perform for the GIs. They would put on four shows a day, seven days a week.

MEARS: Where were you stationed after these black market trials ended?

JUDGE MILES: I was then transferred to Strasbourg, France, as a U.S. claims and liaison officer. It was in Strasbourg that I lost my first trial, which involved a French wine producer who sued the U.S. Army for damages caused when the army commandeered his chateau and drank the wine stored there. I argued that this was "combat damage" that was not compensable, but the judge disagreed with me. He said in his bench opinion that "American soldiers only drink water."

It was in Strasbourg that I met my wife, Mariette Bruckert, who was the daughter of a French banker. I would accompany her to the opera and other events there. She had a brother who was in the French Underground during the war but who was captured and killed by the Gestapo. Another brother was in the French Navy and survived the naval battle of Mers-el-Kabir off the Algerian coast. After the war, this brother lived in



Judge Miles in uniform touring Europe after VE day.

Tunisia but then moved back to France after Tunisian independence was gained. He is now 85 years old and visited us here last summer.

MEARS: When did you marry Mariette?

JUDGE MILES: We were married on June 8, 1946, in a Catholic church in Strasbourg, even though I was raised as a Methodist. After our wedding, we moved to Heidelberg, Germany, where I was a law officer in the Third Army's General Court. Life was very good there. We lived in a requisitioned house and had a car, chauffeur, and gardener. We would hunt wild boar, rabbits, and moose in the nearby forests. Later, I was transferred to Stuttgart. I remember holding a meeting there with German civilians who were applying for licenses to conduct business in Occupied Germany. At the beginning of the meeting, I asked the people in the room who had been a Nazi. At first, only one man stood up and admitted that he had been a member of the Nazi party. I said to the room that we have to give honest men like him a job to rebuild Germany. After I said that, others in the room admitted to being party members. At that time, I was tempted to live in Europe, and my father recognized this. He told me that he would resign from the bench and join me in the practice of law if I returned home. So I did, and arrived in Holland on Christmas Eve 1947. My father resigned at the end of the year, and we became law partners in Holland.

MEARS: Weren't you later elected as prosecuting attorney for Ottawa County?



On the 20th day of July 1944, I was in Glasgow, Scotland. It had just been announced that Hitler had been assassinated and there was great joy and celebration. I went into a photo shop and became a Scotsman. Everyone expected the war to be terminated in 10 days.

During his campaign against Yonkman, Gerry Ford made good use of this story.

MEARS: When were you appointed United States Attorney?

JUDGE MILES: I was appointed to this post in 1953 by President Eisenhower and was re-appointed by him in 1957 after his re-election. This was the best job that I ever had. When I started, I had only two assistants to help me. My old office was in the building that now houses the Grand Rapids Art Museum. In 1960, I was nominated by the Michigan Republican Party to run for attorney general. I had been urged to run for this position earlier by the then-U.S. Attorney General William Rogers, who was a good friend of Richard Nixon. In fact, it was Bill Rodgers who wrote Nixon's "Checkers Speech" that saved him from being let go as Eisenhower's running mate during the 1952 election.

On election day in 1960, when I lost the race for attorney general, I was approached by a trial lawyer who asked me to join his law firm. I agreed, and this firm ultimately became known as Miles, Mika, Meyers, Beckett and Jones. In private practice, I represented plaintiffs and defendants in almost every category of cases. In 1962, I was appointed special counsel for the City of Grand Rapids. I acted as chief trial counsel for the city in all urban renewal/condemnation cases that resulted in the rebirth of the downtown business district. In a number of these cases, my opponent was Harold Sawyer, who was then a partner at Warner, Norcross & Judd. In April 1967, I argued before the United States Supreme Court the "one man, one vote" case of *Sailors v Board of Education of the County of Kent*, which is reported at 387 U.S. 105, 87 S.Ct. 1549 (1967). I also argued and won an important appeal in *Lewis v City of Grand Rapids*, 356 F.2d 276 (6th Cir. 1966).

MEARS: When were you appointed to the federal bench?

JUDGE MILES: I was appointed a United States district judge for the Western District of Michigan on April 17, 1974, exactly seven years after I argued the *Sailors* case before the United States Supreme Court. I assumed the bench on May 4, 1974. Before that, I had been the circuit judge for Ottawa and Allegan counties since June 1970 when I was appointed to that position by then-Governor William Milliken. When I was appointed, I had to work seven days a week for a long period of time to dispose of 600 cases that were backlogged in the system. In some of these cases, I would read trial transcripts and then issue an opinion.

JUDGE MILES: I was elected to this position in 1948, and was re-elected twice afterwards. It was during this time that I became good friends with Gerald Ford, who was then practicing with Phil Buchen in Grand Rapids. Phil introduced me to Gerry. In 1948, Ford defeated Congressman Barney Yonkman and was elected to Congress. When I was a GI in Northern France, a delegation of U.S. congressmen, including Yonkman and Claire Booth Luce, visited our company. Ms. Luce discovered that I was from Yonkman's congressional district and called him on a field phone to let him know that I was there. Yonkman said that he was "too tired" to visit me and later went to visit his daughter in Nice.

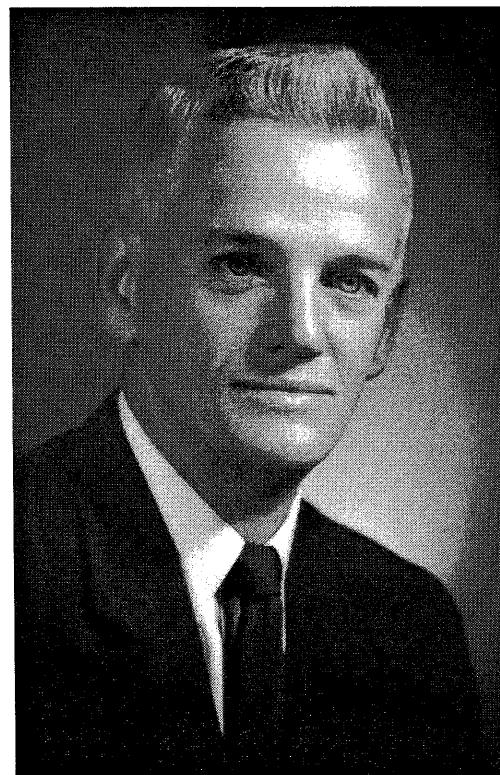
MEARS: Can you tell us about your career as a federal district court judge?

JUDGE MILES: When I was appointed in 1974, I joined Judge Fox as the second judge for this district. That year, I handled about 65 percent of the 1,540 pending civil cases in this district. I was busier than I had been as circuit court judge in Ottawa and Allegan counties. My criminal case docket would be called at 8:30 a.m. and would last until 1:00 p.m. I would then hear my civil cases starting at 2:00 p.m., and that session would normally end at 6:00 p.m. This lasted until 1977, when three new federal district court judges were appointed for this district. I have had so many wonderful times as a federal judge. I have tried cases at Sault Ste. Marie, Mackinac Island, and Marquette. I especially love Marquette, because I am an avid skier. I also attended football and hockey games at Northern Michigan University when I held court up there.

I am especially proud of being one of seven hand-picked judges on the United States Foreign Intelligence Surveillance Court. I was appointed to this position in 1989. This court hears only top-secret matters that I cannot discuss with anyone other than the other six judges. We take no papers into these hearings and render decisions right after the hearing is held. It is a fascinating job.

MEARS: Do you have any special advice for practicing lawyers?

JUDGE MILES: Earn a reputation for being thorough and honest. Admit possible weaknesses in your case but vigorously argue why your case should be decided in your favor. Avoid being personal. If you do that, the judges and juries will like and respect you, and your fellow lawyers will accept you as a mediator and arbitrator.



*Judge Miles as United States Attorney
(1953-1960).*

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