

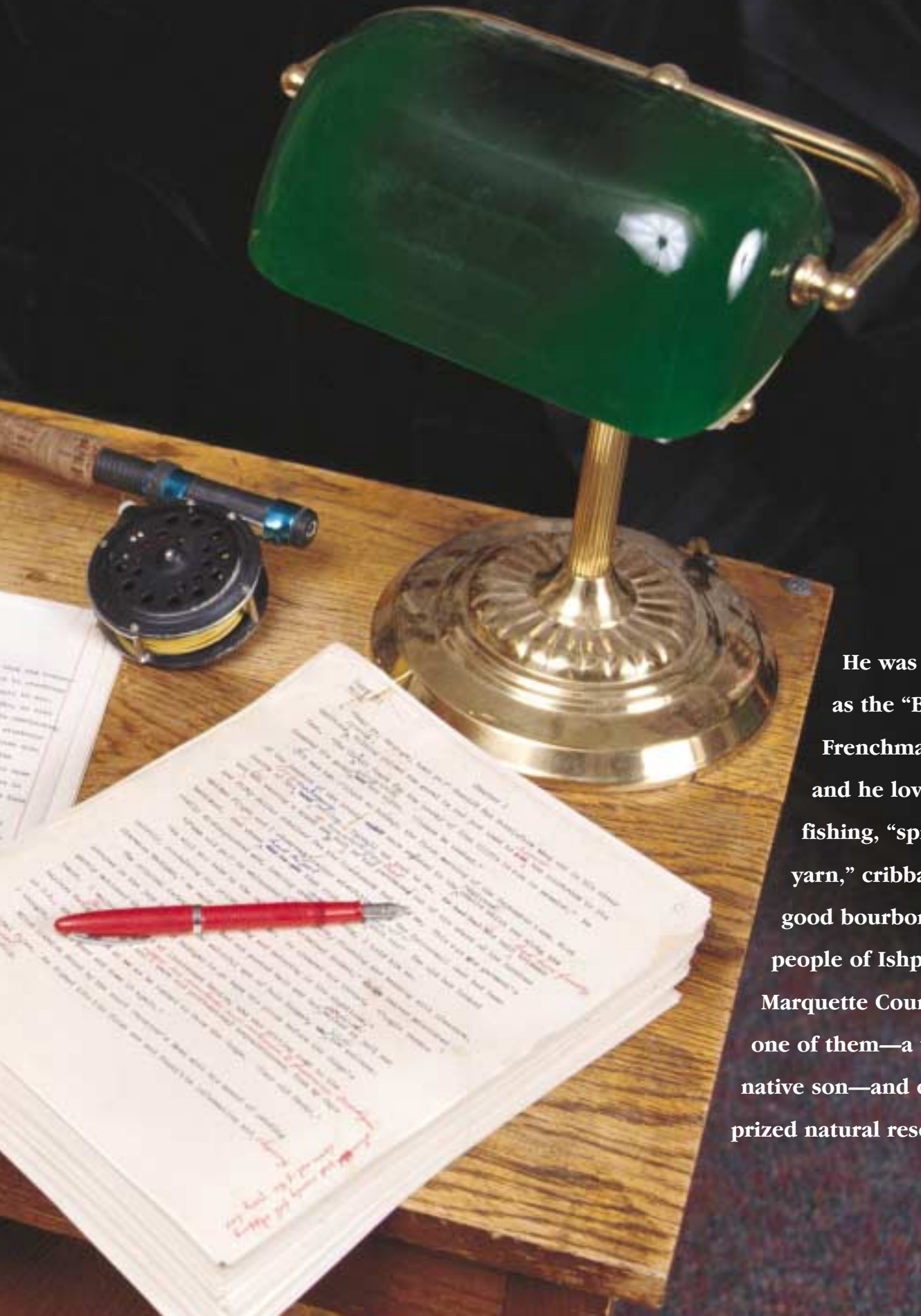
Backwoods BARRISTER



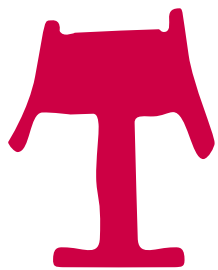
The John D. Voelker Collection, housed at Northern Michigan University Archives in Marquette, contains Voelker's original *Anatomy of a Murder* manuscript and his trout net and flies.

Photo Tom Buchkoe

by RICHARD D. SHAUL



He was known as the “Bard of Frenchman’s Pond” and he loved trout fishing, “spinning a yarn,” cribbage and good bourbon. To the people of Ishpeming and Marquette County, he was one of them—a treasured native son—and one of their prized natural resources.



he last of six boys, John Donaldson Voelker was born on June 29, 1903. His father, a saloon owner, encouraged him as a young boy to fish the streams that meandered the woods and fields near their home in Ishpeming. His mother, a public school music teacher, read to him many exciting stories and instilled in him a great appreciation for words and writing.

When the time came, Voelker's mother expected him to attend college, while his father thought that his son could earn a respectable living in the family business. However, according to the *Marquette Mining Journal*, Voelker had no interest in becoming "a prosperous saloon-keeper." In 1922 he entered Northern Michigan Normal School (present-day Northern Michigan University) before transferring to the University of Michigan Law School in 1924. Because of poor grades, he received a letter in 1927 stating that "the faculty requests that you withdraw." Then, it asked him to "consider applying for admission to some other school." In the manner of a seasoned lawyer, Voelker cited the regulation that would permit him to be reexamined. In the time allowed, he raised his grades enough to graduate in 1928. He passed the Michigan bar exam that same year.

At the traditional Crease Dance during his senior year, the twenty-four-year-old Voelker met Grace Elizabeth Taylor, a nineteen-year-old beauty from Oak Park, Illinois. Almost immediately Voelker knew that "the jig was up for me when I saw this lovely lady." Voelker remembered that he followed her around the rest of the night "like a Doberman Pinscher." By the time he graduated in June they were engaged to be married.

Graduation brought happiness and despair. Voelker was happy to head north to the Upper Peninsula, but it meant being away from Grace. He held a job as assistant prosecutor for Marquette County for nearly two years before packing his belongings and traveling to Chicago. On August 2, 1930, they were married. Years later, in typical wry Voelker humor, he commented: "So, due to my vast talents and her father being a banker, I got a job with the law firm for the bank in Chicago." The three years he spent there were torturous. He hated the big city and the big law firm. Voelker said, years later, that he "never did get around to counting all the lawyers in that office, but I met at least forty of them." Perhaps the event that made his decision to return to the Upper Peninsula easier was seeing a frightened dog get knocked down three times while trying to cross a busy Chicago street.

The harsh economic reality of moving back to Ishpeming during the Depression was not long in coming. The few jobs Voelker held hardly kept the young couple

financially solvent. Voelker took his eyes off the trout stream long enough to see that the county prosecutor's job, up for grabs in the 1934 election, would give them the financial security they left behind in Chicago.

In politics, John D. Voelker was an ardent Democrat, but he was no politician. He disdained backslapping and glad-handing for votes, although he managed to pass out a few campaign matchbooks and tack up some election posters. When the votes were counted, he became the first Democrat to win the office of prosecutor "since Noah's ark or the flood." Recalling his first term, Voelker remembered: "There were three grand larcenies, two auto thefts, three burglaries, a brace of bastard cases, one indecent exposure, one assault with intent to murder, two wife desertions, and one dog-tired prosecutor." He was reelected six more times before being defeated in the 1950 election by thirty-six votes. In 1954 Voelker ran for Congress, but

lost in the primary. The freedom extended to him by the voters gave him several years of uninterrupted fly-fishing, cribbage at Polly's Rainbow Bar and time to write his stories.

Voelker began writing at age twelve with a story entitled "Lost All Night in a Swamp with a Bear." "With a title like that there was not much story left to tell," he later remarked. During the early 1930s, he began writing magazine articles and books about his experiences as a prosecutor. "I didn't think the taxpayers would fancy me doing my scribbling on their time," he confessed, "so I wrote under another name." He later acknowledged that, "the stratagem was really unnecessary because . . . I could have accommodated my readers handily in a broom closet." Voelker took the first name of an older brother who died of influenza while serving with the U.S. Navy during World War I and his mother's maiden name. The first of his eleven books written under the name of Robert Traver was *Troubleshooter*; it was published in 1943.

Between 1950 and 1957, Voelker seldom ventured away from his beloved Upper Peninsula. He was making a slim living from his law practice, and Grace and their three daughters were there to provide domestic balance to his life. Most days he left his office around noon wearing his baggy uniform and headed out toward Frenchman's Pond in the "fishcar."

Not even a man as skilled as Voelker could find a way to quench his passion for trout fishing during the long winter months. While many fishermen spent the winter tying their favorite flies, Voelker was deprived of this pleasure due to his large hands. "Far from being able to tie a fly," Voelker lamented to Associated Press writer Jeff Mayers, "I am barely able to unzip one." So during the winter he worked on his stories. He chose to write on yellow legal pads in order to edit as he wrote. As he grew older and his vision became impaired, Voelker used pens with green ink to provide maximum contrast. In 1951 *Danny and the*



Boys was published. *Small Town D.A.* came three years later. Voelker's first three books were autobiographical in nature, dealing with his law practice and familiar characters that lived around Ishpeming. None of the books sold very well and Voelker admitted "the readers stayed away in droves."

Having been a successful prosecutor and a defense lawyer, Voelker wanted to write a book that accurately described "a criminal trial the way it really was." In an introduction to a twenty-fifth-anniversary edition of *Anatomy of a Murder*, Voelker later recalled that he was disgusted by the usual depiction of trials that were "comically phony and overdone." The case he chose to use as a backdrop for the novel was a 1952 homicide in which he successfully defended a man charged with killing a bar owner who allegedly raped the man's wife. With an ample supply of legal pads, Voelker finished *Anatomy of a Murder* in three months. After two rejection notices he received a letter in late December 1956 that his book would be published. Three days later, Governor G. Mennen Williams appointed him to a Michigan Supreme Court position vacated by the retirement of Justice Emerson R. Boyles.

Voelker did not fly from Ishpeming to Lansing. He hated flying. Years before, while onboard a small plane with his fishing buddies going to a remote pond in Ontario, Canada, he was sitting next to a door that was carelessly held shut by a piece of baling wire. When the pilot sharply banked the plane Voelker was tipped hard against the door. The door held, but the event terrified him. When the pilot returned a few days later he refused to fly out. Instead, he hiked out to a railroad track and waved down a train heading toward the Upper Peninsula.

Justice Voelker barely got settled into his new office before he had to begin campaigning for the April election to retain his seat on the court. Campaigning had not become any easier for him. One morning before daybreak, he stood outside a Detroit factory handing out his cards to workers. One man tried to toss the card to the ground but the wind kept it aloft. Voelker promised the man that if he won the election he would tie little weights to his cards next time for easier disposal, then he left. A *Chicago Tribune* article reported Voelker as saying he abhorred this type of campaigning as "an invasion of privacy, the final denigration of democracy."

Despite his pessimism, Voelker won the election by a sizable margin. He repeated his victory for an eight-year term



Superior View

An attorney by trade, Ishpeming's John Voelker was a fly fisherman at heart. Here the one-time Michigan Supreme Court justice is relaxing near one of his favorite fishing holes.

in 1958, against a field of incumbents and well-connected downstate candidates who often referred to him sarcastically as "that backwoods lawyer from the U.P."

With the 1958 election behind him, Voelker eagerly took his place among the other black robes. He wrote over one hundred majority and dissenting opinions, reflecting clear, common-sense points of

law. He quickly attained the respect of his fellow justices.

While Voelker was making his imprint on the judicial bench, *Anatomy of a Murder* soared to the top of *The New York Times* bestseller list and remained there for sixty-six weeks. In April 1958 the famed director Otto Preminger purchased the film rights and brought a cast to the Upper Peninsula where the 1959 movie was made under Voelker's watchful eye. In late 1959, with no time to write his stories and enjoying financial security for the first time in his life, Voelker resigned from the Michigan Supreme Court. He told Governor Williams: "Other people can write my opinions, but none can write my books. I have learned that I can't do both so regretfully I must quit the court."

After returning home, Voelker settled into a routine that would last for the rest of his life. Every morning after breakfast he sauntered off to the post office to get his mail, stopped at Polly's or the Wonder Bar for cribbage, drove out to Frenchman's Pond to catch the trout rising, had Old-Fashioneds at 4:00 P.M., returned home to Grace and the family and then, perhaps, more cribbage in the evening. As unvarying as he was about his daily activities, he was even more consistent about the clothes he wore. He usually dressed in striped shirts covered





by a tan bush-jacket, khaki trousers—the right leg always bunched at the top of his ankle-high leather boots with the left tucked inside—and a soft narrow-brimmed hat resting on the crown of his head. His round face was deeply etched with wrinkles symmetrically placed between his large nose and bushy sideburns, and his heavy-lidded eyes gave him a strong resemblance to John Wayne, a comparison that pleased him.

With his fishcar kept adequately provisioned with bait, nets, creels, poles, waders and ice, Voelker and his cronies spent seven or eight months of the year pursuing the wily brook trout or hiking the woods looking for mushrooms. “For twenty years we fished five or six days a week,” recalled Ted Bogdan, one of Voelker’s closest friends. Bogdan often accompanied Voelker to pick wildflowers and grasses. He was amazed that his friend, at 6 feet, 2 inches tall and weighing over two hundred pounds, “walked like a cat in the woods . . . he hardly broke a branch.” Voelker tied the blossoms into little bunches using pipe cleaners and handed them out to his friends in town on his way home.

Voelker’s skill at cribbage was legendary. Bogdan, who was often an opponent, fondly recalled: “He was one of the greatest card players . . . he had a mind that would retain everything that was played . . . and what might be left and what you could do with it. . . . He was almost always the winner.” Voelker’s fierce competitive style entitled him to display prominently a sign above the entrance of his cabin proclaiming: “The Home of the Cribbage Champ.”

There were many fishermen who read Voelker’s books—*Trout Madness* (1960), *Anatomy of a Fisherman*

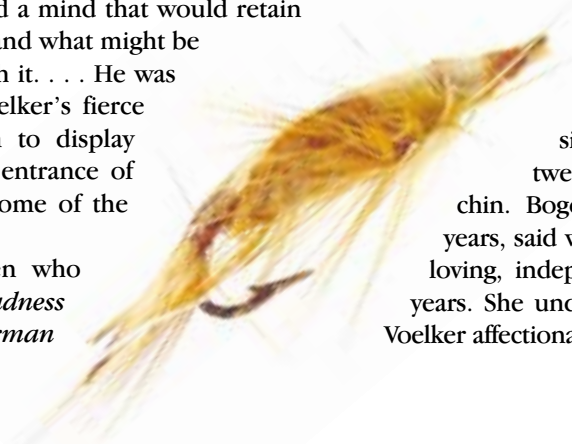
John Voelker was often described as cantankerous and intolerant, but his wife, Grace was just the opposite. This delicate balance preserved their marriage for more than sixty years.

(1964) and *Trout Magic* (1974)—who tried to locate the famous Frenchman’s Pond. In those books, Voelker captured the essence of trout fishing and the spirit of fishermen, and they treated him like an icon. But even for his admirers, getting to the pond was not easy because of deep ruts deliberately left in the steep and narrow logging road that seemed to go on forever. To further discourage trespassers, Voelker let the brush grow up thick against the sides of the road and placed old mufflers and tailpipes and other mechanical debris near the turnoff to the camp to warn interlopers to stay away. This was Voelker the Curmudgeon at his best.

Frequently, Voelker invited friends and luminaries to his pond. An occasional guest to drink bourbon “from an old tin cup” was Charles Kuralt of the CBS series *On the Road*. Kuralt immediately liked Voelker and was impressed by the depth of his honesty, sincerity and commitment to conservation issues. They became close friends and Kuralt said that Voelker “was really about the nearest thing to a great man I’ve ever known . . . one of the most graceful writers on the American literary scene.”

Voelker understood the harm brought to the land by unbridled mining, logging and other population-driven activities. He believed that the completion of the Mackinac Bridge in 1957 would lead to masses of people coming north and ruining the Upper Peninsula, and he became the spokesman for his fantasized Bomb the Bridge Committee. In 1958 he complained in a letter that there were no FM radio towers in the Upper Peninsula and he was unable to receive a signal from downstate. “I feel that the closer bonds allegedly symbolized by the multi-million-dollar Mackinac Bridge,” he chided, “should be shown by the dissemination of something more than the hordes of lower Michigan tourists. A little culture and education would also seem in order.” A few months later he wanted to get an exact date for the installation of a signal booster, noting: “I’m supposed to be present to help blow up the Mackinac Bridge on Saturday . . . but I will gladly skip that if you plan to be here then.”

If Voelker sometimes seemed cantankerous and intolerant, Grace was the pillar of patience. There were occasions, however, when she would have to tweak him gently by the short-hairs of his chin. Bogdan, who knew them well for many years, said with a smile: “He married a very strong, loving, independent woman. They fought well for years. She understood him and he understood her.” Voelker affectionately referred to Grace as “my mother-in-



law's daughter" and she knew how to express her dissatisfaction. Periodically she would complain about how he dressed and would tell him that he looked "like a bum." Another time when irritated by his absence, Grace asked him why he fished all the time. He replied that he needed it for relaxation. Without the slightest hesitation she reportedly fired back: "Well, you must be so relaxed by this time you're in a state of coma." Notwithstanding these jabs, their deep abiding love and respect for each other endured for over sixty years of marriage.

Although Voelker never practiced law again after leaving the Supreme Court in 1959, he wrote four other novels involving the legal system and politics: *Hornstein's Boy* (1962), *Laughing Whitefish* (1965), *Jealous Mistress* (1967) and his last book, *People Versus Kirk* (1981). While these books were generally well received, they were not as successful as *Anatomy of a Murder*. In a 1991 interview with *Detroit News* reporter Thomas BeVier, Voelker recalled that a publisher once asked him to search for material he had written, material that he did not want to provide to the man. Voelker wrote back in exaggerated fashion using a wide felt-tip marker: "Eye problems prevent me from looking, and I lack the heart to ask my poor, overworked wife, who takes care of me day and night." The Curmudgeon was set loose again.

When his health began to fail, Voelker was admonished not to smoke his favorite black Italian cigars, to put the bourbon bottle back on the shelf and to keep the fishcar in the garage. But he did not deny himself of these pleasures for very long. During an interview in his eighties, Voelker commented on his mortality: "Death doesn't scare me. But living with ill health is something that scares hell out of me. . . . When I can't cast a fly to one of my little beauties, then and only then will I consider moving on."

Before long Voelker's trips to Frenchman's Pond became less frequent and the elusive trout enjoyed much greater safety. On the morning of March 18, 1991, the fishcar gently nudged the snow bank alongside the road. The driver, slumped over the steering wheel, had suffered a massive heart attack. At age eighty-seven, John D. Voelker

was pronounced dead at the hospital in Ishpeming. His beloved Grace survived him by eight years.

At the funeral home, the downstate dapper suits and the flannel plaids of the backwoods mingled one last time. Voelker's comfort at the bar—either arguing a case before the Supreme Court or trumping a hand of cribbage at Polly's—earned him admiration from nearly all who knew him. His death was mourned across

ethnic and socioeconomic groups, but by none more than the people of Ishpeming and Marquette County. He embraced their lifestyle and values and never compromised the trust they had in him. While he had many opportunities to exploit his political office, his position on the court, his fame as an author and his adulation as an expert fisherman, he refused to do so. Instead, he lived an ordinary life in the Upper Peninsula and by doing so validated the worth of the lives of his friends and neighbors, and they loved him for it. Bogdan explained why Voelker was liked by so many: "He was a great believer in equality among people. . . . Any kind of prejudice made him angry. He didn't

like to see people taken advantage of. . . . His pet saying was, 'You are a success in life if you've had as much fun along the way as possible, and hurt as few people as possible.'" It was a goal John Voelker achieved with perfection. mh

Northern Michigan University Archives



John Voelker's *Anatomy of a Murder* was based on his successful defense of Lieutenant Coleman A. Peterson, who was acquitted by "reason of insanity" in the murder of a local tavern owner. Peterson is shown here with his wife and Voelker after the 1952 trial.

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It has already been sold to the movies . . . I think it might be well if you got more copies than you normally might. . . . Better you order a carload,” wrote Voelker to a bookseller in Chicago about his novel *Anatomy of a Murder*. He was right. Shortly after its publication, *Anatomy* sold over 300,000 copies. Since then it has been purchased by well over four million readers in twenty different languages.

Anatomy was photographed in black and white in Marquette County and completed in two months. Otto Preminger, who produced and directed the film, hired an excellent cast including Jimmy Stewart, George C. Scott, Lee Remick, Ben Gazzara, Arthur O’Connell, Eve Arden, Orson Bean, Kathryn Grant, Murray Hamilton, an aspiring older

ordered that permits be issued allowing the film to be shown in Chicago.

Anatomy was screened at the Butler Theater in Ishpeming and the Nordic Theater in Marquette on June 29. Because there was only one print of the movie available, as soon as a reel was finished in Ishpeming it was quickly dispatched for showing in Marquette. The world premier occurred on July 1 in Detroit.

Many of the actors signed their names and placed their hand and footprints in wet cement slabs to become part of the sidewalk in front of the Nordic Theater. City authorities, however, taking what they considered to be the moral high ground, decided not to publicly display a tribute to the film and planned to destroy the slabs.

MURDER ANATOMY OF A

actor and attorney named Joseph N. Welch and the inimitable Duke Ellington. The movie was a huge success garnering seven Academy Award nominations, including best actor (Stewart), best supporting actor (Scott and O’Connell) and best cinematography, screenwriting and film editing.

The film was previewed in Chicago on June 18, 1959, but because of the sexual content and realistic dialog about rape, an attempt was made by Mayor Richard J. Daley to have it banned. Judge Julius Miner of the U.S. District Court ruled: “I do not regard this film . . . as depicting anything that could reasonably be termed obscene or corruptive of the public morals and found that the censorship exceeded constitutional bounds.” He

Fortunately, a local farmer hid the slabs in his barn where they stayed until 1984 when they were rediscovered and placed in front of the Nordic Theater. Normal wear and tear over the years caused significant loss of the imprints and currently there are fundraising efforts to recast the slabs and return them to the sidewalk, commemorating the enduring popularity of this American film classic.

—Richard D. Shaul

OPPOSITE (Clockwise from upper left): Otto Preminger, Lee Remick and Jimmy Stewart lunch at the Mather Inn; filming at the Marquette County courthouse; after filming, the cast signed this wall in the Roosevelt Hotel bar; John Voelker with *Anatomy* cast; Voelker teaches Remick fly tying; *Anatomy* film crew; Stewart and Remick; and Voelker and Duke Ellington.

This story is the result of my lifelong interest in the 1952 trial that inspired John Voelker to write his bestseller, *Anatomy of a Murder*. I thought the real story had been forgotten. For example, there is an exhibit at the Marquette County Historical Museum on the movie *Anatomy of a Murder*. It offers black-and-white snapshots of Eve Arden in a tight babushka eating an ice cream cone and Jimmy Stewart intently signing autographs surrounded by smiling fans. Yet, there is nothing exhibited on the trial that inspired Voelker—the trial’s defense attorney—to write his highly acclaimed book, except for a small placard giving the names of the original jury members. Yet, long before the glitz and razzmatazz of Hollywood collided with the Upper Peninsula, what became one of the state’s most famous trials unfolded when Coleman A. Peterson, a U.S. Army officer stationed at the anti-aircraft artillery range near Big Bay, was tried for murdering Mike Chenoweth, a local bartender, in revenge for allegedly raping Peterson’s wife.

My interest stemmed in part from the fact that my grandfather, Oscar Bergman, was one of the trial’s fourteen jurors. My research uncovered a 1952 *Marquette Mining Journal* picture of the original jury. I then discovered that three of the jurors are still living in the Upper Peninsula. I started with Max Muelle, whom I met at the Coachlight Coffee Shop in Marquette.

“It was so long ago,” he began. “The first thing that comes to mind is how hard those chairs were in the jury box. Eight days on those hard wooden chairs.” He leaned back, half smiled and poured another cup of tea. “Sure, I remember your grandpa. You have a jury picture? That’s him right there, isn’t it? I don’t remember most of this jury but I remember him,” he said, thumping his finger on my grandfather’s face. “I haven’t read the book and I’ve seen parts of the movie but never watched it all the way through. I remember the film crews being around but I didn’t pay too much attention.

“I was only twenty-two years old, and the last juror chosen. They didn’t ask me any questions. They were in a hurry to get going and needed one more juror. They didn’t ask me if I knew the deceased. I did. We both did some pistol-shooting and Mike Chenoweth was real good. He always took nitroglycerin before he’d shoot in a competition. Said it calmed him down. But they didn’t ask me if I knew him or if I knew anything about what really happened and, I did. I knew right away the next morning exactly what happened at the Lumberjack Tavern the night before, all the details from the state trooper that investigated, but they never asked me. They just said ‘Aw, he’s alright; let’s

get on with it’ and they swore me in. There I was, a juror.”

I looked into Max’s blue eyes as he lowered them. “I made a promise to myself that I would be fair and not let what I knew get in the way of doing my duty,” he said softly. “We could vote three ways: Guilty, Not Guilty and Not Guilty by Reason of Insanity. We voted Levi [Kettunen] the foreman for no particular reason and we decided to go around the table and say what we thought. ‘Guilty.’ ‘Guilty.’ ‘Guilty.’ And so it went around the table, until the last: ‘Not Guilty.’ It was this guy,” he thumped my grandfather’s image on the jury photograph. “It took us eight hours to convince him but he finally changed his Not Guilty vote to Not Guilty by Reason of Insanity.” Max looked up, “Funny thing, though. About three years later, I heard that Lieutenant Peterson was killed in a plane crash in Alaska. I never heard what happened to Mrs. Peterson.”

Wahlstrom’s Restaurant in south Marquette was where I met former juror Roy Oien. “The trial was interesting and got better every day. I enjoyed watching John Voelker in the courtroom. Now, there was a man who didn’t take a back seat to anyone! He had just been beaten by Ed Thomas for the prosecutor’s job and I’m sure Mr. Voelker felt different being in the other chair. Thomas seemed smart and did a good job. They sure went back and forth! There were always surprises with those two.

“Everybody complained about how hard the chairs were. Some even wanted to bring seat pads but I don’t think anyone really did. My wife, Bernice, went to the trial and watched every day. Every day, before we left [for home], the judge would say we couldn’t talk about the trial with anyone or read anything about the trial. That was the rule.

“When the trial ended [on the eighth day] we had to stay longer. The bailiff walked us over to the Coffee Cup restaurant for supper. Then they walked us back to the courthouse and the jury room to talk about what we thought. I sat next to Isadore LaCrosse. Oscar Bergman sat at the other end of the table. Levi Kuttunen was the foreman and he was the one who talked the most.

“I said and still say, if you did it, you did it—and I kept to that. But, the vote was 8-4. So someone’s dead and nobody pays.

“When the Chenoweth trial was over, I went back to working. I had a wife, a farm and three children to support. I had to take time off from my job to sit on that jury. They paid us twenty dollars for the eight days the trial lasted. Years later, when the notice appeared in the paper that the movie company was looking for local people to be in Voelker’s movie, my wife asked if I wanted to go. I told her that I’d

spent enough time with that trial.”

I made a short trip to Republic and spoke with the third juror, Thomas Warren. “I was born in Ishpeming and knew John

THE REAL TRIAL

by SHIRLEY J. BERGMAN

Voelker—Johnny, we called him—pretty well. Johnny liked to fish and play cards and fish and drink good bourbon and fish. He'd call the Ishpeming cab and tell the driver to 'pick up the bag' and the cabby would go buy the bourbon and drive it on over to Johnny.

"Mike Chenoweth was a former state police officer and a sharpshooter. He was known to use the clothespins on the outside wash line for target practice, picking the tops of the pins off as his wife pinned them onto the wet clothes.

"In later years, when he stepped behind the bar at the Lumberjack Tavern, he kept a gun for backup. Everyone in Big Bay knew that; it was common knowledge. So, what happened to that gun? After Chenoweth had been shot, his gun couldn't be found. Did someone take it, and if that was so, then who and why? It was never found.

"I was thirty-four years old and the father of four children when I was called to the jury. I was a miner and worked underground for C.C.I. [Cleveland-Cliffs Iron Company] at the time and I couldn't afford to be off the job for as long as I was, but I felt it was my duty to go. They only paid us \$3.58 a day for those eight days on the jury and that was supposed to be for traveling time. I had to take my lunch pail and eat in the car every day.

"I enjoyed being involved with a murder trial. It was real interesting and I learned a lot. Whether it was listening to testimony or watching Johnny and that prosecutor from downstate [assistant attorney general Irving B. Beattie] go back and forth, I thought the trial was real interesting and the days went fast. That lower Michigan fella thought he'd be playing with a hick!

"During the trial, the defendant, Lieutenant Peterson, sat very still—perfectly still. No movement. No outburst. No emotion at all. He was dressed in his uniform every day—a very handsome soldier. Who knows what he thought when his wife came back from the Lumberjack that night? Mrs. Peterson had gone to the tavern without her husband, as she had many times before, dancing barefooted, carrying on, while he was at bivouac. Why was she there without her husband?

"Only the jury saw the pictures of Mrs. Peterson's body and the bruises after the beating. As we passed those pictures from one juror to another, we were told that she had been raped twice by Chenoweth and then kicked under the gate. She was really bruised. But who did the bruising? Who knows what the lieutenant thought when she came back that night? From what we knew, he got up, got his gun and left his wife at the trailer. Lieutenant Peterson didn't want to take a chance with that gun hidden behind

the bar. He went into the Lumberjack and fired point-blank at Chenoweth. The bartender dropped to the floor. Without a word, Peterson went to the bar, leaned over and emptied his gun into the body. When the jury saw the pictures of Chenoweth's body as evidence, there were seven shots marked—one in the center, surrounded by the other six, in a perfect circle.

When Mrs. Peterson went onto the stand, I felt like she was putting it on a little more than what had actually happened. But why had she gone to the tavern alone? And what did the lieutenant think when she came back?

"We knew that we all had to reach the same verdict as we went into the jury room. Levi Kettunen was the jury foreman. He was a short, stern tailor from Ishpeming and wanted the most to have the lieutenant guilty. He really bucked Not Guilty by Reason of



Mining Journal

Members of the 1952 trial jury included: (front, from left to right) Archie Connors Jr., James T. Hawes, Oscar N. Oie, Roy Oien, Isadore LaCrosse, Robert Benti, (back) Thomas Warren, Max Muelle, Alben Bellstrom, Julia Layne, Irene M. Reusing, Oscar R. Bergman and Levi Kettunen.

Insanity. We voted many times on little white pieces of paper. The bailiff would get them from each juror after each vote. Until everyone voted the same way, we'd have to keep talking about it. I remember everyone saying, 'He took a life . . . he took a life' but 'The jury has come to a verdict.'

"After the judge announced the verdict, Not Guilty by Reason of Insanity, Lieutenant Peterson went to each juror, looked us straight in the eyes and shook our hands. Peterson was held for thirty days after the trial, was tested and then was free to go. I heard that the Petersons divorced six months later and the lieutenant went to Korea. I know that Johnny's only payment for all his time and all his work on the trial was the lieutenant's gun—the murder weapon.

"I was thankful that the trial was over. I felt that the lieutenant was justified in what he did. I was a soldier and a soldier is trained to defend and that's what the lieutenant did—defend his wife. I don't think he was temporarily insane. I felt he had a right to do what he did. Why should he suffer the rest of his life to let a man do that to his wife?" mh

Romeo resident **SHIRLEY J. BERGMAN** is a retired Utica Community Schools teacher and an ardent writer, quilter and historian.