

People v Hildabridle

Voelker and the Art of Crafting an Opinion

353 Mich 562 (1958)

The centenary of the Michigan Supreme Court saw a famous opinion by the best-known justice in its history, John D. Voelker. He was better known by his pen name, Robert Traver, and best known for his 1958 novel, *Anatomy of a Murder*, which became a Hollywood film. Voelker, a proud product and vivid chronicler of his beloved Upper Peninsula, spent only three years on the Court, but wrote some of its most memorable, and certainly most colorful and entertaining, opinions. In *People v Hildabridle*, he convinced his sharply divided colleagues to overturn the indecent exposure convictions of a group of Battle Creek nudists. The episode also indicated the awakening of postwar liberalism in the United States, and the dawn of the cultural revolution of the 1960s.

Voelker was an active Democrat, and benefited by the resurgence of the party in the New Deal era. He was the first Democrat elected to the Marquette prosecutor's office "since Noah's ark," as he put it. He was a member of the state party committee in 1939, ran in the primary election for the United States House of Representatives in 1954, and ran as a presidential elector in 1956. The liberal wing of the Democratic Party grew stronger in the postwar years, as Walter Reuther consolidated his control of the United Autoworkers and the CIO. He and August Scholle of the Michigan CIO Council became prominent players in state politics. In 1948, a coalition of labor and intellectual leaders elected G. Mennen Williams governor. Williams, known as "Soapy" because he was the heir to the Mennen Soap Company fortune, was a young (36), attractive, and personable liberal, a protégé of Frank Murphy, and held the office until 1960. The legislature, though, was controlled by Republicans, who refused to reapportion districts to reflect the increased urbanization of the state. But the Democrats were able to control most statewide offices, including the Supreme Court.¹ Justice Eugene F. Black, a Republican who had broken with his party and become a Democrat, lobbied earnestly for Voelker's appointment.² Late in 1956, with a vacancy on the Court to fill, Williams sent two assistants to interview Voelker about the position. When they asked him why he wanted to serve, Voelker replied, "Because I have spent my life on fiction and fishing, and I need the money."³ He wouldn't need the money for long. Three days before Williams appointed him to the Court he got a contract from St. Martin's Press for *Anatomy of a Murder*.

In the meantime, the Sunshine Gardens nudist colony had been hosting families on its 140-acre campus outside of Battle



Article from July 1, 1956, *Battle Creek Enquirer*.

Author and photographer unidentified. Used by permission.

Creek since 1942. Though there had been no complaints from the community, a couple of police officers decided to investigate and raid the colony. For no apparent reason, they visited the colony on June 15, 1956, and saw what they were looking for—nudists. One of the officers used this observation to swear out a warrant for the arrest of the nudists. When he returned to serve the warrant on June 30, he observed many more campers and called in other officers to arrest them. They arrested Earl Hildabridle and several others on charges of indecent exposure, and an elderly widow justice of the peace bound them over for trial in Calhoun County Circuit Court. The nudists were convicted and sentenced to 30 days in jail, a \$250 fine plus court costs, and two years probation. They appealed to the Supreme Court.⁴

Voelker's appointment helped to cement the liberal majority on the Court. It also added to the Court's willingness to use judicial power vigorously. As in other state courts, a sudden influx of new personnel (four new justices joined the Court between 1954 and 1958), including strong, independent, "maverick" personalities (Justices Black and Kavanagh also had forceful reputations), and partisan conflict marked the advent of "judicial activism."⁵ The Court had been evenly divided, with four Democrats and four

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Voelker at
Frenchman's Pond.

John Donaldson Voelker was a beloved character in Michigan's legal and literary history, who told, retold, and became the subject of innumerable vignettes. His grandfather migrated from Germany to the Upper Peninsula in the 1840s. He and his son George, John's father, were saloonkeepers, though George spent most of his time hunting and fishing in the great north woods. John would inherit his father's taste for trout-fishing and old-fashioned (a whiskey cocktail), though not hunting. John was born in 1903, the youngest of six sons, and grew up in Ishpeming, in the center of Marquette County. His mother, Anne Traver, encouraged him to read and pursue an education. He would later take her maiden name as his pen-name.

John read avidly at the Carnegie library in Ishpeming, and attended Northern Michigan Normal School (now Northern Michigan University) for two years before transferring to the University of Michigan Law School in 1924. Poor grades nearly forced him out, but he graduated and joined the Michigan bar in 1928.¹

After graduation Voelker worked as an assistant in the Marquette County prosecutor's office, but moved to Chicago to marry Grace Taylor and begin working for a Chicago law firm. He hated the job. His disdain for urban life was profound and permanent. He returned to his home town after three years and was elected county prosecutor in 1934. He held this office except for two years (defeated in the 1942 election, he won it back in 1944) until 1950.

He began to write and publish stories about his native land—the miners, farmers, and hunters of the Upper Peninsula—with special attention to the various ethnic groups that inhabited it—the Irish, Cornish, Germans, Finns, and other Scandinavians. His first collection of stories, *Troubleshooter: The Story of a Northwoods Prosecutor*, appeared in 1943. He published under a pseudonym, he said, so that the voters wouldn't "think that the busy D.A. was spinning yarns on taxpayers' time." In 1951 he published *Danny and the Boys: Being Some Legends of Hungry Hollow*, which related the "antics, monkeyshines, and assorted shenanigans" of a group of men who had retired to indulge in a carefree life of fishing, hunting, and drinking. "These tales are written to celebrate and reaffirm the wonder and the glory of the individual man," he wrote, "a group of men who live as they do because they choose to."² In 1954 he produced *Small Town D.A.*, another collection of stories. None of these books sold very well, and in 1950 the author was defeated for re-election to the prosecutor's office. Voelker then became a defense attorney, and in 1952 he successfully defended Coleman A. Peterson, an army officer who killed a bartender who had raped his wife. The case was the basis for Voelker's breakthrough novel, *Anatomy of a Murder*.

1. Richard D. Shaul, "Backwoods Barrister," *Michigan History* 85 (2001), 82–87; Frederick M. Baker, Jr. and Rich Vander Veen III, "John D. Voelker: Michigan's Literary Justice," *Michigan Bar Journal* 79 (2000), 530–31; Baker, "John Voelker: Justice, Author, Fisherman, Friend," *Michigan Supreme Court Historical Society Newsletter* (Summer, 2005); Roger F. Lane, interview with John D. Voelker, 1 Oct. 1990, Michigan Supreme Court Historical Society.
2. *Danny and the Boys: Being Some Legends of Hungry Hollow* (Detroit: Wayne State University Press, 1987 [1951]), 8–9.

Republicans, in 1956, and one of the Democrats, Edward Sharpe, was a conservative. Governor Williams replaced Sharpe with the liberal Thomas M. Kavanagh, and Voelker replaced Republican Emerson R. Boyles.⁶ In 1957, in an election in which the Democratic justices overtly campaigned as partisan candidates, Justice Voelker had been elected to serve out the remainder of Boyles' term.⁷ Justice Kavanagh did not sit on the *Hildabridle* case.

The writing of majority opinions of the Court was a task assigned randomly by the Chief Justice to one of the justices among the majority. In the *Hildabridle* case, Chief Justice Dethmers was assigned to write what initially appeared to be the majority opinion upholding the convictions. When Justice Voelker circulated his dissenting opinion, however, it was so powerful that it convinced Justice George C. Edwards, Jr. to break with the Republicans and vote to overturn the convictions. As a result, in the *Michigan Reports* publication of the decision, the majority opinion begins with Voelker's original "I dissent."⁸ Voelker insisted that the Supreme Court reporter keep this apparent anomaly in the *Reports*. "The entire posture and thrust—and perhaps most of the strength—of my opinion is that it *is* a dissent; that fact would still be quite apparent, though more ambiguously, even were the suggested changes made."⁹

The original majority opinion took a conventional view of the police power to impose the majority's moral views on dissident minorities. The three Republican justices followed the nineteenth-century rule that any speech or conduct that had a "bad tendency" could be punished. For example, in 1915 the United States Supreme

Court upheld a Washington state conviction of a group of nudists, not for engaging in nudism, but for publishing a pamphlet (entitled "The Nudes and the Prudes") that was critical of the state's law against nudism.¹⁰ The *Hildabridle* opinion also noted that the United States Supreme Court had recently affirmed that obscenity was not protected by the First Amendment.¹¹ In the nearest and first precedent on nudist law, *People v Ring* (1934), the Michigan Supreme Court had upheld the conviction of nudists in similar circumstance, because "Instinctive modesty, human decency and natural self-respect require that the private parts of persons be customarily kept covered in the presence of others"—i.e., that nudism per se was criminal under Michigan law.¹² As one commentator noted, "the Michigan Court considered whether, in its own mind this exposure would have been immoral regardless of how the people present actually felt. The judges... would have been offended themselves, so they held that the policy of the state was offended."¹³

The *Ring* opinion gave wide berth to police, under the traditional understanding that the police often had to engage in irregular practice to control undesirable social practices. Police exercised considerable discretion in applying the law to reflect the moral sentiments of the community. One historian observes, "They were, to say the least, 'not legalistic.'" In this view, the middle class tolerated a certain degree of loosely constrained police behavior as a kind of "delegated vigilantism" against social outcasts and undesirables. "Individual due process was routinely subordinated to the local police power necessary to secure the moral fiber and general welfare of a community."¹⁴

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1954 photo of Elmer and Lucille Adams, owners and operators of Sunshine Gardens Resort.

Voelker did not deny the legitimacy of indecent exposure laws *per se*. Rather, he condemned the police action in this case as an illegal search and seizure and denied that recreational nudity was indecent exposure. He noted that there was no public complaint against the nudists, whose camp was so thoroughly isolated that the police themselves had a hard time finding and entering it. “So the presumably outraged community boils itself down to a knot of determined police officers who for some undisclosed reason after fourteen years finally made up their minds and set a trap to tip over the place.” The police obtained warrants by an obvious subterfuge in what Voelker ridiculed as “Operation Bootstrap.” “Yet to say that the search and arrests here were illegal is an understatement,” he went on. “It was indecent—indeed the one big indecency we find in this whole case: descending upon these unsuspecting souls like storm troopers.... If this search was legal then any deputized window-peeper with a ladder can spy upon any married couple in the land and forthwith photograph and arrest them for exposing themselves indecently to him.” Voelker was unwilling “to burn down the house of constitutional safeguards in order to roast a few nudists.”

Voelker opined that the Sunshine Gardens nudists were not engaged in indecent exposure at all, for they were only exposing themselves to like-minded nudists. To convict them would be to say that “any nudity anywhere becomes both open and indecent regardless of the circumstances and simply because some irritated or overzealous police officers may think so.” He classed nudists with advocates of various other American manias and fads, which we tolerate “unless they try too strenuously to impose or inflict their queer beliefs upon those who happen to loathe these items.” “Private fanaticism or even bad taste is not yet a ground for police interference. If eccentricity were a crime, then all of us were felons.”

Voelker recognized the United States Supreme Court’s recent decision that obscenity was not protected by the First Amendment, but denied that the Sunshine Gardens nudists were engaged in obscene behavior.¹⁵ Moreover, he noted that Justices Douglas and Black had entered a “blazing dissent” with which he sympathized. As for the *Ring* precedent, he dismissed it as “less a legal opinion than an exercise in moral indignation.... Moral indignation is a poor substitute for due process. The embarrassing *Ring* case is hereby nominated for oblivion.” Justice Edwards, who had

been part of the unanimous *Ring* decision, entered a separate concurring opinion limited to the illegal-search element of Voelker’s decision.

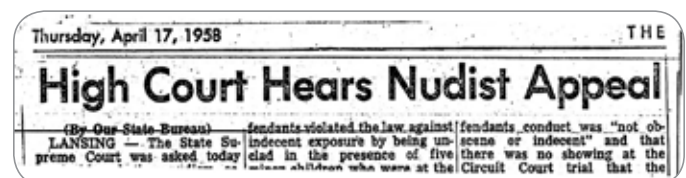
A decade later, Voelker reflected that *Hildabridle* was “interesting not only on its own rather bizarre facts, but for its overtones.”

For one thing, it shows how sharply men of undoubted goodwill can differ over identical facts. For another, it shows that the law is often what men make it, and that even judges occasionally have hearts and emotions by which, contrary to popular mythology, they are sometimes ruled as much as by “The Law.” It shows how wide is the gulf that can divide judges as well as other men, and that perhaps humility and compassion and a capacity for empathy figure in it somewhere. It shows that an important public issue—whether snoopers may claim to be shocked by what they behold—can be resolved by a soberingly narrow margin.

Above all, the majority decision recognizes man’s infinite capacity for folly and reaffirms the divine right of every man to be a damned fool in his own way so long as he does not do too much to others with his queer notions. It also shows that there are still earnest souls in high places who would question the exercise of that right by their nonconforming fellows. Finally, the case shows that the battle for tolerance is eternal.¹⁶

Most of all, for this literary justice, the case made a good story, and “every legal case that ever happened is essentially a story, the story of aroused, pulsing, actual people fighting each other or the state over *something*: for money, for property, for power, pride, honor, love, freedom, even for life—and quite often, one suspects, for the pure unholy joy of fighting.” It reinforced Voelker’s belief that the law, however imperfect it might be, is the only alternative to anarchy or despotism.¹⁷

Though Voelker thought of himself as a “fighting liberal,” and compiled a record of moving the Court in a liberal direction, he had also been an effective prosecutor, and usually did not vote to expand the rights of criminal defendants.¹⁸ But the police methods in this case were so high-handed as to arouse his indignation. He was also at pains to point out that he had no particular sympathy for nudism. “Lest I henceforth be heralded as the patron saint of nudism (which I probably will be anyway), I hasten to preface what follows by stating that I am not a disciple of the cult of nudism,” he wrote. “Its presumed enchantments totally elude me. The prospect of displaying my unveiled person before others, or beholding others thus displayed, revolts and horrifies me.”¹⁹ Yet, one cannot help suspecting that he did appreciate the independence of the nudists, that they displayed (as it were) the free-



Headline from April 17, 1958, *Battle Creek Enquirer* by paper’s State Bureau. Used by permission.

spirited ethos of *Danny and the Boys*. Voelker's life and writing were marked by a Romantic-naturalist love for unique characters, people who resisted the homogeneity of postwar America, the conformity of modern, mass, urban-industrial culture.

Both Voelker and the Sunshine Gardens nudists denied that nudism had anything to do with sex. It may have been coincidental, but *Hildabridle* came down on the eve of the American sexual revolution. Voelker himself had conventional views about sexual conduct. Characteristically, he blamed city life for the increased incidence of sexual disorder in the twentieth century, and noted in 1943 "the general relaxation in public morals itself, a sloughing off of old inhibitions."²⁰ In the 1960s, the law would rapidly lose its power to enforce old sexual mores. Courts would lead the way in limiting the kind of censorious cultural control that the dissenters in *Hildabridle* were still willing to accept. Of greatest importance in this transformation was the United States Supreme Court's increasing "incorporation" of the Bill of Rights. It established a permissive national standard that prevented states and localities from enforcing traditional strictures with regard to obscenity, pornography, contraception, and eventually abortion and homosexual conduct. At the same time, it expanded the rights of criminal defendants to inhibit arbitrary police enforcement of remaining laws.²¹

Voelker largely retreated from the political and cultural conflicts of the coming generation. *Anatomy of a Murder* enabled him to spend the rest of his life writing and fishing in the Upper Peninsula. While his Supreme Court salary was \$18,500 a year (\$117,000 in 2005 dollars), his royalties from *Anatomy* were almost \$100,000 a year. He won election for a full eight-year term in 1959, but quickly resigned, telling Governor Williams that "Other people can write my opinions, but none can write my books."²² He waited until the new year to resign, which allowed the governor to appoint his successor, Theodore Souris. Some observers saw this as a cheap political trick to keep the Supreme Court in Democratic hands, since incumbents appointed by the governor nearly always kept their seats in subsequent elections.²³ "If he wanted to write the book-of-the-month, what did he run for?" asked Charles R. Feenstra, a Republican legislator from Grand Rapids. Voelker replied with a fiery denunciation of Feenstra as the type of reactionary who was responsible for all that was wrong in Michigan.²⁴

Voelker had helped to cement a liberal majority on the Michigan Supreme Court, acting "not as a maverick or a political independent but rather a critical player in a well-disciplined, thin, liberal Democratic majority."²⁵ He had worked with Justice Black to improve the quality of the Michigan judiciary, which they regarded as overworked and underpaid. "As a rule the Supreme Court during the past twenty years has consisted principally of worn-out political hacks and third-rate lawyers," he wrote in 1958.²⁶ He told Governor Williams that he had wanted "to do

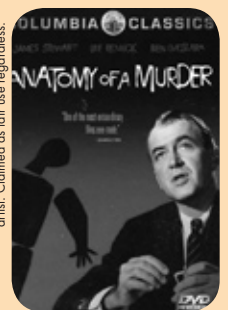
my part to lead our court into the twentieth century. That...task, while certainly not complete, is now fortunately well on the way to becoming a reality. At least our court is no longer last man on the judicial totem pole." Voelker confessed that his political liberalism also made the Court an uncomfortable place for him. "I chafe under the imposed detachment and restrictions of sitting on a so-called nonpartisan court."²⁷ Like his reaction to the criticism of his resignation, his comments about his political zeal suggested that Voelker lacked a "judicial temperament." In this, he resembled Justice William O. Douglas, whom he admired personally (and resembled physically) and whose dissent in the *Rotb* case he used in his *Hildabridle* "dissent."²⁸

One statistical study by a political scientist noted that Voelker was the second-most influential member of his Court.²⁹ Labor unions and civil plaintiffs were the principal beneficiaries; later civil libertarians more generally would come to view the courts as their chief allies. His tenure seems to have sharpened his political views. "Politics was so exciting back then," Voelker told an interviewer in 1990. "I was...maturing."³⁰ He wrote the preface to Williams' 1960 campaign biography.³¹ This came out in his next, overtly political novel, *Hornstein's Boy*, about the ordeal of a committed liberal senatorial candidate, and in *Laughing Whitefish*, concerned with justice for the Native American inhabitants of the Upper Peninsula. This was Voelker's particular cause; after his

Voelker himself encountered censorship problems when *Anatomy of a Murder* was turned into a film. The novel itself was, in the words of the *New York Times* reviewer, "racy and rousing" and "mildly ribald." "Readers not yet accustomed to the explicit language of modern fiction (and who can they be?) should take warning that a major part of the testimony in the Manion murder case is about the legal and technical aspects of rape."¹ Political and cultural tensions were evident in the film's production. The film was directed by well-known director and ardent liberal Otto Preminger; the role of the judge in the case was played by Joseph Welch, a liberal hero for standing up to Senator Joseph McCarthy in his investigation of subversive activity in the U.S. Army. It was the first Hollywood movie to use the words "intercourse," "contraceptive," "spermatogenesis," and "sexual climax." It was nominated for nine academy awards, but didn't win any (*Ben Hur* swept the Oscars for 1959). The Chicago Police Censorship Board, with Mayor Richard Daley's support, refused to allow the opening of the film. A federal judge, using the U.S. Supreme Court's more liberal interpretation of obscenity, overruled the board.² Closer to home, Marquette authorities refused to display the concrete footprints of the actors who had come to the U.P. to make the film in front of the Nordic Theater. (A local farmer recovered the slabs, which were restored in 1984.)³ Clearly, American sexual mores were up in the air. When *Anatomy of a Murder* was pushed off the top of the best-seller list, its place was taken by *Lolita*, Vladimir Nabokov's story of a man's sexual obsession for a twelve-year-old girl.⁴

1. Orville Prescott, "Books of the Times," *New York Times*, 6 Jan. 1958, p. 37.
2. Vivian M. Baulch, "When Hollywood Came to the U.P.," *Detroit News*; "Judge Voids Ban on 'Anatomy' Film," *New York Times*, 9 Jul. 1959, p. 24.
3. Richard D. Shaul, "Anatomy of a Murder," *Michigan History* 85 (2001), 89.
4. Lewis Nichols, "In and Out of Books," *New York Times*, 18 Jan. 1959, p. BR8.

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Case cover of a 2000 DVD release of *Anatomy of a Murder* by Sony Pictures.

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Photo by John Albright, 2007



Current owner and operator of Sunshine Gardens, Maynard Adams.

Under the leadership of Maynard Adams, son of Elmer and Lucille Adams who founded the resort in 1942, the Sunshine Gardens Nudist Camp remains in operation.

Photo by John Albright, 2007



Plaque displayed on Sunshine Gardens grounds, dedicated to “The Adams Family, Elmer, Lucille, Elmer, Jr., Maynard.” The plaque reads: “They were instrumental in the landmark decision by the supreme court

to legalize nudism nationwide. This event was initiated at this park over 35 years ago. The Adams family founded the park for their natural lifestyle to grow with the future.”

death in 1991, the John D. Voelker Foundation established a scholarship fund for Native Americans to attend law school.

But for all his commitment to emerging American liberalism and the Democratic Party in Michigan, Voelker will likely be most remembered for his commitment to individualism. “I learned in a rush, one of the stark and bitter lessons of human existence,” he wrote in *Laughing Whitefish*. “With terrible clarity I learned that all the places that I would ever see and the books that I would ever read, the music that I would ever listen to, the people I would ever love, that all would one day disappear, leaving nothing behind, nothing at all. If this gave me resignation and humility, I hoped it gave me a kind of daring, a daring to live to the hilt one’s little span.” He similarly told a friend, “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.”³² This was an individualism at once traditional, part of Michigan’s frontier history and well placed in the forests and streams of the Upper Peninsula wilderness, and also modern and existential.

FOOTNOTES

- Dunbar & May, *Michigan: A History of the Wolverine State*, 3d ed (Grand Rapids: Eerdmans, 1995), pp 544–546.
- Muller, *Black Weighs Future with Supreme Court*, *Detroit News*, November 28, 1959.
- Baker, Jr & Vander Veen III, *John D. Voelker: Michigan’s literary justice*, 79 Mich B J 530, 531 (2000); Shaul, *Backwoods Barrister*, Mich Hist Magazine (November/December 2001), p 85.
- People v Hildabridle*, 353 Mich 562; 92 NW2d 6 (1958); Stevens, *About Justices of the Peace in Calhoun County, Michigan*, available at <courts.co.calhoun.mi.us/dist003.htm>. The Sunshine Gardens Family Nudist Resort still operates, a member of the Battle Creek Chamber of Commerce.
- Hagan, *Patterns of activism on State Supreme Courts*, 18 *Publius* 103, 108 (1988); Porter, *State Supreme Courts and the Legacy of the Warren Court: Some Old Inquiries for a New Situation*, in *State Supreme Courts: Policymakers in the Federal System*, eds Porter & Tarr (Westport: Greenwood, 1982), p 4; Lopeman, *The Activist Advocate: Policymaking in State Supreme Courts* (Westport: Greenwood, 1999), p 119; Kelman, *The heated judicial dissent in Michigan*, 12 Wayne L R 614, 614–617 (1966).
- Volz, *An Anatomy of the Judicial Writing of Justice John D. Voelker*, 36 Mich Academician 134 (2004).
- Ulmer, *The political party variable in the Michigan Supreme Court*, 11 J Pub L 354 (1962).
- Baker, Jr, *Presentation of the Portrait of the Honorable John D. Voelker*, 461 Mich ccxxxv (1999). For a description of the random case-assignment system, see Ulmer, *Leadership in the Michigan Supreme Court*, in *Judicial Decision-Making*, ed Schubert (New York: Macmillan, 1963), pp 16–17; Ulmer, *Politics and Procedure in the Michigan Supreme Court*, *Southwestern Social Science Quarterly* 46 (1966), p 376. A dissenting opinion displacing a majority opinion, as in *Hildabridle*, was not unprecedented, and continued until 1970—Kelly, *The Michigan Supreme Court: Some random observations*, 33 U Det LJ 385 (1956); Kelman, *Some little things about Michigan Supreme Court opinions that annoy a basically genial law teacher*, 30 Wayne L R 191 (1984).
- John Voelker to Hiram C. Bond, September 15, 1958, Box 26, John Voelker Papers (N Mich Univ Archives, Marquette).
- Fox v Washington*, 236 US 273; 35 S Ct 383; 59 L Ed 573 (1915).
- Roth v US*, 354 US 476; 77 S Ct 1304; 1 L Ed 2d 1498 (1957).
- People v Ring*, 267 Mich 657; 255 NW 373 (1934); Schmeer, *The law of organized nudism*, 17 U Miami L R 608 (1963).
- Nevitt, *The legal aspects of nudism*, 41 J Crim L & Criminology 59 (1950).
- Quoted in Benedict, *Victorian Moralism and Civil Liberty*, in *The Constitution, Law, and American Life: Critical Aspects of the Nineteenth-Century Experience*, ed Nieman (Athens: Univ of GA Press, 1992), p 108; Novak, *The People’s Welfare: Law and Regulation in Nineteenth-Century America* (Chapel Hill: Univ of NC Press, 1996), pp 167–169.
- Roth v US*, *supra*.
- Traver, *The Jealous Mistress* (Boston: Little, Brown, 1967), pp preface, 93.
- Id.* at 158, 166.
- Volz, *An Anatomy*, *supra* at 136–137, 142.
- People v Hildabridle*, *supra* at 578. Indeed, *Time* magazine did try to depict Voelker as a nudism advocate. Its September 18, 1958 issue featured a photo of Voelker in a sauna, taken from a *Life* magazine collection related to the customs of the peoples (Finns, in this case) of the Upper Peninsula. Voelker wrote an angry letter to *Time*, which the magazine printed (in its October 6 issue) only in part. Voelker to Editor, *Time*, September 18, 1958, and related materials, Box 26, Voelker Papers.
- Troubleshooter*, *supra* at 84, 196, 205.
- Powe, Jr, *The Warren Court and American Politics* (Cambridge: Belknap, 2000).
- Shaul, *Backwoods Barrister*, *supra* at 85.
- Volz, *An Anatomy*, *supra* at 134; *Half of Michigan judges now appointed*, 17 J Am Judicature Soc’y 38 (1933–34).
- Justice Voelker Raps Feenstra’s Criticism of His Resignation*, *Marquette Daily Mining Journal*, November 27, 1959.
- Volz, *An Anatomy*, *supra* at 135.
- John Voelker to Bill Muller, November 26, 1958, Box 25, Voelker Papers.
- John Voelker to G. Mennen Williams, November 17, 1959, Box 26, Voelker Papers.
- Murphy, *Wild Bill: The Legend and Life of William O. Douglas* (New York: Random House, 2003); *Hildabridle*, *supra* at 583–584; Voelker correspondence with Douglas, Box 36, Voelker Papers.
- Ulmer, *Leadership in the Michigan Supreme Court*, *supra* at 13.
- Roger F. Lane interview.
- McNaughton, *Mennen Williams of Michigan: Fighter for Progress* (New York: Oceana, 1960).
- Traver, *Laughing Whitefish* (New York: McGraw-Hill, 1965), p 19, quoted in Baker, *Presentation*, *supra*; Shaul, *Backwoods Barrister*, *supra* at 87.