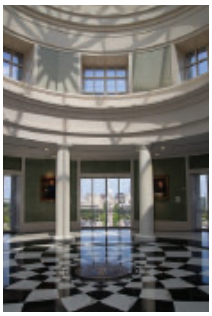

Society Update

The Official Publication of the Michigan Supreme Court Historical Society

Winter 2025

Veterans on Michigan's Supreme Court

by Carrie Sharlow

2025 marked the 160th anniversary of the end of the American Civil War (April 9, 1865).

For that matter, it was also the 80th anniversary of the end of World War II (VE Day was May 8, 1945, VJ Day was September 2, 1945), the 107th anniversary of the end of World War I (November 11, 1918), as well as the 72nd anniversary of the end of the Korean War (July 27, 1953) and the 50th anniversary of the end of the Vietnam War (April 30, 1975).

Since we're counting, it was the 210th anniversary of the end of the War of 1812 (February 17, 1815) and the 242nd anniversary of the end of the American War for Independence (September 3, 1783).

And just because it is part of Michigan's history, we should note that 2025 was the 189th anniversary of the end of the Toledo War.

Many Michiganders were in active service in many of the above conflicts, and some of those also served on our state supreme court.

American Revolution, the War of 1812, and the Toledo War

Thirty-two years before Michigan was admitted to the United States, the Territorial Supreme Court was created. One of the earliest justices was James Witherell. As with many of the earliest justices, Witherell was born and raised outside of Michigan; in this case, it was the Massachusetts Bay Colony.[1]

James Witherell (1759 - 1838) served on the Supreme Court for the Territory of Michigan from 1808 to 1828.

In an application filed with the National Society of the Sons of the American Revolution in 1958, one of Witherell's descendants references *A History of the Town of Fair Haven, Vermont* in describing his great-great grandfather's service during the Revolution:[2]

> James Witherell volunteered as private immediately after the battle of Bunker Hill. He was in the battle of White Plains, Stillwater and Bemis

If I missed any of our Court veterans, I sincerely apologize. Thank you for your service.

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NOTE:
Articles and letters by individually named authors that appear in the Society Update do not necessarily reflect the official position of the Michigan Supreme Court Historical Society and their publication does not constitute an endorsement of views which may be expressed.

> Heights and at the surrender of Burgoyne. He was wounded at the battle of White Plains. He was in camp through the winter at Valley Forge. Took part in the battle of Monmouth and many other actions of less note, and was promoted to an adjutancy in the 11th Massachusetts Regiment on the Continental Establishment. He serve[d] through the wars till his regiment was disbanded with the Continental Army at Newburg.[3]

Later, after his military service, Witherell moved from Massachusetts to Connecticut and then Vermont, practicing medicine and law before his election to Congress, representing his adopted state.[4] He must have made an impression in D.C. because barely a year passed before he was appointed to the Michigan Territorial Supreme Court.[5] It doesn't seem to be a position he enjoyed, though. Justice Augustus B. Woodward was used to being the legal authority in the territory and dominated his colleagues accordingly. John Griffin was more submissive to his superior, but Witherell was a good ten years older than the two other justices and a military man "and constantly found himself in conflict with" Justice Woodward.[6] A notable example was referenced by Justice Campbell in his "History of Michigan" when he related that

> in September 1808, when Judge Woodward was absent in Washington, Judge Witherell introduced and passed, against Griffin's opposition, a criminal bill of various pains and penalties, which, among other things, punished unauthorized banking. This ended the Bank of Detroit; but he was never forgiven by Judge Woodward…[7]

In addition to the "office politics" of the day, Witherell's wife and children were disinclined to stay in the backwoods of Detroit and returned to Vermont.[8] That turned out to be providential when the War of 1812 began, and Witherell's military service came in handy: he "was placed in command of the Territory militia," thereby serving in two important wars in Michigan's history.[9]

Witherell would be joined by another veteran in 1827, when Henry C. Chipman joined the Court via presidential appointment.

Chipman and Witherell must have found a great deal to talk about. Chipman was born in Vermont, and his father was an early United States Senator. Like Witherell, Chipman's father was a veteran of the American Revolution, spending the winter at Valley Forge and serving at the Battle of White Plains.[10] Surely, the Chipmans and Witherells would have seen each other around Montpelier during their mutual times of state service.

Before Chipman's move to Michigan and while living in the South for his health, he served as "adjutant of a South Carolina regiment stationed at Beaufort during the war of 1812."[11]

Witherell departed the Court in 1828 and Chipman lasted only four years after. Neither was on the Court when Michigan was admitted to the Union, though both were alive to see it.

Civil War

In the 1860 Federal Census – the last Federal Census before the Civil War – Michigan's population was around 750,000.[12] Over the course of the war, the Great Lakes States provide over 90,000[13] soldiers to the cause; over 14,000 gave their lives to the cause.[14]

Joseph T. Copeland was nearly fifty and four years off the Court when the Civil War commenced. At the start of the War, he "served as the lieutenant colonel and commander of the 1st Michigan Cavalry Regiment and then, briefly, as commander of the 5th Michigan Cavalry."[15] Eventually, "he commanded the Michigan Cavalry Brigade" before being replaced in the position by George A. Custer, after which Copeland served in a desk job.[16]

It was nearly twenty years after Robert E. Lee's surrender at Appomattox Court House before the first Civil War veterans joined the Supreme Court. In between, they'd completed their education interrupted by enlistment, started law practices, and started families.

Allen Benton Morse was the first Civil War veteran to reach the Court; he was also the first justice born in Michigan. When he was twenty-two in 1861, Morse enlisted as a private, serving in the 16th Michigan Infantry before transferring to the 21st Infantry. He was "assigned to duty as acting assistant adjutant-general on the staff of Col. F.T. Sherman."[17] He saw active service

Farmer, Balch & Stiles, *Map of the surveyed part of the territory of Michigan on a scale of 8 miles to an inch*, (Detroit: Publisher Not Identified, 1826), (Retrieved from the Library of Congress, <www.loc.gov/item/2012593320/>) (Accessed July 30, 2025).

in the Battle of Chickamauga and Missionary Ridge, both in Tennessee, and it was during the latter battle that he lost his left arm. After his return to private life, Morse also returned to his studies of the law and was "admitted to practice in February, 1865."[18] After serving as the prosecuting attorney for Ionia County and state senator, Morse was elected to the Supreme Court. He surely expected to take his seat as an associate justice in January 1886, but Chief Justice Thomas M. Cooley's resignation after his unsuccessful re-election campaign left a vacancy, and Morse began his service on the high court somewhat earlier as chief justice.

Three years into his term on the Court, Morse was joined by fellow veteran (and amputee) Charles Long. Long, too, enlisted in the military, barely in his twenties, at the onset of the Civil War, serving in the 8th Michigan Infantry. While Morse was still with the 16th Infantry, Long was involved in the Battle of Wilmington Island, where he lost his left arm "and a bullet was lodged in his inner thigh, where it remained for the rest of his life."[19] It was a terrible wound that plagued him his entire life, but through it all he was known as "a ray of sunshine, diffusing cheer and gladness to all who came within [his] radiance."[20]

Allen Benton Morse (1839 - 1921) served on the Court from 1885 to 1892 and was the author of *Ferguson v. Gies*.

A year later, Morse and Long were joined by a third veteran: Claudius B. Grant. Grant, too, enlisted early in the conflict, though he was a bit older than Morse and Long and in his mid-twenties when he joined "the United States army as Captain of Company D, 20th Michigan Infantry."[21] He eventually rose to the rank of Lieutenant Colonel before resigning his position in April 1865, surviving the war remarkably unscathed.

Having graduated from the University of Michigan and worked as a teacher and principal before the War – one of his students was future justice Aaron McAlvay – Grant decided to enter the Law School, perhaps influenced by his father-in-law, Alpheus Felch, whose daughter he'd married while on leave from military service in 1863.[22] It's little surprise then that Grant went into practice with Felch after his admittance to the bar. Eventually, his community service led him to the Michigan legislature and the University of Michigan Board of Regents before he was elected to the Supreme Court.

Morse, Long, and Grant would serve together until Morse left the Court in 1892, but the trio were briefly joined by fellow veteran Edward Cahill in 1890.

Cahill was the youngest of the eventual quartet, and only nineteen when he joined the 89th Illinois Infantry Regiment in 1862.[23] He saw active service in Kentucky, before he was discharged for illness.[24] You can't keep a good man down, though, and less than a year later, he was back in action, having "raised the first African-American Infantry Unit in Michigan,"[25] with whom he would serve until October 1865.[26] As with Morse, Long, and Grant, Cahill studied law after the War, practicing law in Chicago before the Great Fire sent him back to Michigan. In the midst of his career as "a prominent Lansing attorney and member of the Advisory Pardon Board," Cahill was appointed to the Court by the Governor to succeed the recently deceased Big Four Member James V. Campbell.[27]

It was the first time that the majority of the Court was comprised of veterans from the same conflict, and perhaps it is no coincidence that *Ferguson v. Gies*, one of the early Court's most important cases, was argued during this time. With four Civil War veterans – all of whom had seen action and two of whom had left limbs on the battlefield – that opinion written by Justice Morse reads so personal:

The future Justice Claudius Grant in civil war uniform (Michigan 20th Infantry); HS13133.

In the digital collection Bentley Historical Library: Bentley Image Bank. <https://quod.lib.umich.edu/b/bhl/x-hs13133/hs13133>. University of Michigan Library Digital Collections. (Accessed July 30, 2025).

> The humane and enlightened judgment of our people has decided—although it cost blood and treasure to so determine—that the negro is man, a freeman, a citizen and entitled to equal rights before the law with the white man. This decision was a just one…All citizens who conform to the law have the same rights in such places, without regard to race, color or condition by birth or wealth. The enforcement of the principles of the Michigan Civil Rights Act of 1885 interferes with the social rights of no man, but it clearly emphasizes the legal rights of all men in public places. [28]

Two years later, when Morse left the Court, the last Civil War veteran joined it. Robert M. Montgomery had "enlisted in the Seventh Michigan cavalry in 1864" but didn't see active service, which was probably a good call given that he was barely 16 when the war ended.[29]

The Civil War was surely in the background for many years, as at least one Civil War veteran served on the Court from 1885 to 1910, with a veteran serving as Chief Justice eleven times.

Morse left the Court in 1892, Long in 1902, Grant in 1909, and Montgomery in 1910, but four of the five Civil War veterans were still alive to see the beginning and end of World War I.

World War I

By the 13th Federal Census, Michigan's population had jumped to nearly three million.[30] Over 135,000 of those individuals would serve in World War I, and five of those veterans would reach the Michigan Supreme Court.[31]

The World War I veterans began arriving on the Court in 1934, with the election of George Bushnell, who served "as a trial judge advocate during World War I."[32] Bushnell was joined by Harry S. Toy in 1935 (though only for a short time), McAllister in 1938 (until the onset of World War II in 1941), and Harry F. Kelly before Bushnell himself left the Court in 1955. The last World War I veteran to join the Court was Talbot Smith in 1955, who had entered the United States Naval Academy in 1917 and served in the Navy for 14 years.

Edward Cahill

Men of Michigan: A Collection of the Portraits of Men Prominent in Business and Professional Life in Michigan (Detroit: Michigan Art Company, 1904)

Thomas F. McAllister (1896 - 1976) served on the Court from 1938 to 1941. His official portrait was presented on December 18, 1985. The ceremony was presided over by World War II veteran, Chief Justice G. Mennen Williams.

These veterans were young, though perhaps not as young as the Civil War enlistees. Unlike the Civil War veterans who later served on the Court, Harry S. Toy had already graduated law school and was three years into a successful law practice when the world erupted in war.[33] After enlisting

> he sailed for France in December, 1917, and was sent to the front line trenches as a special observer with the British, French and Canadian troops. Promoted to the rank of captain and given command of a machine gun company, he took part in some of the heaviest fighting of the war and was wounded in action.[34]

After his return state-side, Toy rose through the ranks of his chosen profession, serving as an Assistant Prosecuting Attorney in Wayne County (1922 – 1924), then the Prosecuting Attorney (1930 – 1934) during a particularly difficult time in the Detroit area, then the state Attorney General (1935), before his appointment to the Court in October 1935.[35] He stayed for little more than a year, losing the 1936 election to Bert D. Chandler, who himself would be defeated in 1943. Toy never held statewide elected office again, though, and ended his career serving as Detroit Police Commissioner before he retired.

Thomas F. McAllister joined the Court in 1937, a year after Toy lost his election. McAllister also fought in France during World War I, initially with the University of Michigan ambulance unit,[36] before studying "at the great artillery school at Fontainebleu on the Marne, for a commission in the Foreign Legion."[37] That service would eventually lead to his receipt of the famed Croix de Guerre, one of two World War I veteran Supreme Court justices so honored.[38]

Harry F. Kelly was the second. The oldest of nine children born to Henry and Mary Kelly, Harry graduated from the Notre Dame Law School[39] and enlisted in the U.S. Army American Expeditionary Force in 1917.[40] He was assigned to "Company L, 9th Infantry Regiment, 2nd Division as a platoon leader"[41] and was terribly wounded in action in April 1918. For his bravery, he too was awarded the Croix de Guerre.[42]

Like Thomas McAllister, Harry Kelly joined the legal profession when he returned home, eventually moving to Detroit. Both men's careers skyrocketed. When McAllister was serving on the Supreme Court, Kelly was Michigan's Secretary of State. Two years after McAllister was appointed to the United States Sixth Circuit Court of Appeals, Kelly began his term as Michigan's governor at the height of World War II. As McAllister settled into his position on the federal bench, Kelly started his service on the state supreme court, where he'd serve for nearly twenty years.

In 1956, Justices Harry Kelly and Talbot Smith would be joined by the first of many World War II veterans.

World War II

By 1940, Michigan's population was over five million.[43] 613,543 Michiganders served in World War II.[44] Ten served on the Court. World War II veterans served on the Court nonstop for nearly 40 years, beating out the thirty-six year continual service on the World War I veterans, and largely outpacing the Civil War veterans.

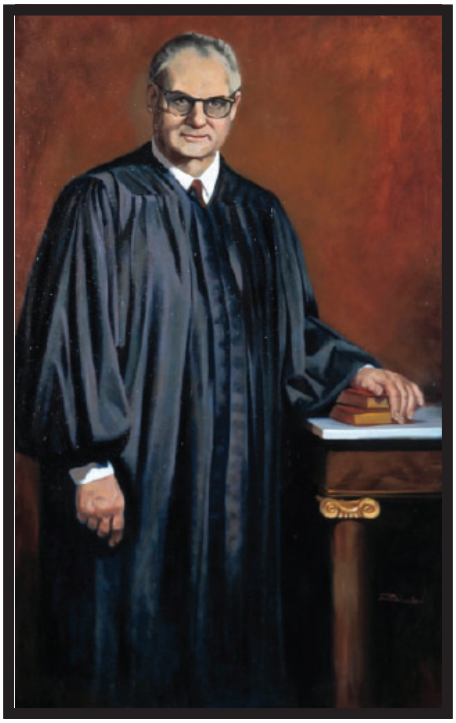
Unlike the Civil War veterans and the majority of the World War I veterans who later served on the Court, many of the World War II veterans who followed them to the judiciary were married men with families and law practices when they joined the Armed Forces.

Eugene Black, the first World War II veteran to join the Court, was in his late thirties when Pearl Harbor was

attacked. He'd been a practice attorney for over fifteen years and was married with two children when he began his service in the Navy.

G. Mennen Williams, eight years Black's junior, was also a Navy man. His first child was born in May 1941, and the very next day after that news was published in the *Detroit Evening Times,* the *Ypsilanti Daily Press* announced that G. Mennen, Sr. had been "placed in Class 1A by his Grosse Pointe Draft Board and ordered to report for induction in the Army."[45] Due to his military service, he missed the birth of his first daughter, Nancy, in the summer of 1943, and would not meet her in person until his next leave.[46] Throughout the war, G. Mennen served as "an intelligence officer on a Pacific carrier" with his duties carrying "him to remote points in the West and Far East."[47] For his service, he was "awarded the Legion of Merit Medal for outstanding services in action against the Japanese in the General Pacific," having participated in "carrier strikes against Wake, Marcus, Truk, Rabaul and other enemy-held islands in the Marshalls, Gilberts and Marianas."[48]

Williams was only one veteran with whom Black served on the Court. Over his seventeen years on the Bench, Eugene Black was joined by six World War II veterans including Michael D. O'Hara. O'Hara enlisted in the U.S. Marines in the summer of 1943, leaving behind a wife and two toddlers. He "served for a year as a member of the training staff of Aviation Training Squadron 131. After being promoted to sergeant, he was selected for officer training and returned to Marine Corps school Quantico, Va., for instruction and was commissioned in December, 1944."[49] Near the end of the war, he served with "Marine Aircraft Group 31 at Yokosuka Air Base near Tokyo."[50] Like the Williams Family, the O'Haras joined Sergeant O'Hara in California in the later years of the War; there, Frances O'Hara served as "director of the Frontier center," a daycare center "designed to free young mothers for work in vital west coast war industries."[51]



Eugene F. Black (1903 - 1990) served on the Court from 1956 through 1972.

George C. Edwards left the Court the year before O'Hara joined it. In fact, Edwards joined the Court the same year as Black, replacing Neil Reid, who had died in office. Unlike Black and Williams and O'Hara, though, Edwards did not have a law degree when he entered the military.[52] He was "three courses short of a degree" and later "admitted to the Michigan State Bar under a state law written for veterans."[53] Originally from Texas, Edwards had moved to Detroit in the late-1930s to work in the auto industry; in short order, he became involved in the UAW – eventually serving as "national director of the UAW's welfare department[54] – and was later arrested in connection to a sit-down strike, something that would be brought up in the later years of his career. By the onset of the War, he was a well-known figure in Detroit, recently elected to the Common Council. Accordingly, he could have applied "for a deferment as an essential government official," but instead he joined the army in late 1943 and was initially sent to Fort Sheridan in Illinois.[55] After being commissioned at Fort Benning in Georgia, he was assigned to Camp Maxey in his home state of Texas before serving in the Pacific.[56] Upon his return, he jumped back into local and state politics, reaching the Court five months after Eugene Black. Edwards left the Court in 1962 and eventually was appointed to the Sixth Circuit Court of Appeals, replacing World War I veteran Thomas F. McAllister, who'd just assumed senior status.

Other veterans included Otis M. Smith, John W. Fitzgerald, Robert P. Griffin, Theodore Souris, Lawrence B. Lindemer, and John B. Swainson.

John Swainson was only eighteen when he joined the Army and would celebrate his nineteenth birthday on the European battlefield. Like his historical Court col-

John B. Swainson

leagues Allen Morse, Charles Long, and Harry Kelly, Swainson was grievously wounded in his military service, necessitating the amputation of both his legs below the knee. Presumably, Swainson spent his twentieth birthday at the Percy Jones Military Hospital in Battle Creek, working to become "proficient in the use of [his] prostheses,"[57] with the hope to be "so adept at walking [so] that no one would notice."[58] It's rather poignant that in both his Court portrait and Governor portrait, Swainson is standing strong.

While serving in the latter position, Swainson appointed fellow World War II veteran Otis Smith to the Court to fill the vacancy left by the departure of World War I veteran Talbot Smith. Three years Swainson's senior, Otis Smith was "in the Army Air Forces from 1942 to 1946."[59] Smith "enlisted in the Signal Corp," and transferred to the Air Force.[60] While attending the "Scott Field Army Air Forces Training Command radio school," he "was declared honor man class 52" with "a scholastic average of 91.9 percent and a code speed of 25 words per minute."[61] He "became a radio AAF, radio operator, MOS (military occupational specialty) classification 756" with the 477th Bombardment Group.[62] While stationed at Godman Field in Kentucky, Smith was "squadron historian" and "public relations specialist" for the Bombardment Group, resulting is a brief mention in the African-American newspaper The Call & Post about the "tall, friendly" sergeant.[63] After graduating from law school and moving to Michigan, the tall, friendly sergeant with exceptional work ethic caught the attention of another World War II veteran, Governor G. Mennen Williams – resulting in an appointment to the Public Service Commission and another as Auditor General – before Smith caught the eye of Governor Swainson in 1961.

Theodore Souris joined the Court the year before also through appointment by a World War II veteran gov-

In Between Conflicts

I would be hard-pressed to locate an official number of Michiganders who have served in the United States Armed Forces during peace times since the creation of the Northwest Territory. However, I can tell you that Frederick Bates (1777 – 1825), who served on the Court from March 3, 1805, to November 1806, was "the quartermaster of the Army of the Northwest headquartered in Detroit" before the turn of the century.[1] And William Potter (1869 – 1940) served as a member of his local draft board. And Talbot Smith (1899 – 1978) "served with the Office of Price Administration" during World War II.[2] Eugene Black (1903 – 1990) "enlisted in the United States Naval Reserves" but was forced into inactive duty due to injury.[3] On the home front, Paul Adams (1908 – 1990) was "director of civilian defense" for two years during World War II.[4] James Ryan (b. 1932) was "an officer in the Judge Advocate General's Corps on the U.S. Navy" and a "certified military judge in the Naval Reserve" for years.[5] And most recently, Cliff Taylor (b. 1942) served in the U.S. Navy for four years.[6]

1. Chardavoyne and Moreno, *Michigan Supreme Court Historical Reference Guide* (East Lansing: Michigan State University Press, 2015), p 19.
2. *Id.* at p 106.
3. *Id.* at p 107.
4. *Id.* at p 114
5. *Id.* at p 127.
6. *Id.* at p 139.

ernor. Only age thirty-five, one newspaper called him "a legal boy wonder in Michigan politics" ahead of the 1960 election.[64] Like John Swainson, Souris was only a teenager when World War II started. Already a student at University of Michigan, Souris joined the Air Force in the summer of 1943 and "was called to active duty in January 1944."[65] His involvement in the Air Cadet Program led to his eventual placement in Mississippi where he became a clerk with the "Courts and Boards Office at the Air Force base."[66] It was there – as family recalled in his obituary – that "he discovered his passion for justice after he saw a comrade charged unfairly during a military tribunal."[67] After his discharge from the military, Souris completed his education and was admitted to the bar in 1949. His college involvement in the Democratic party brought him to the attention statewide leaders, and led to several positions, including the Supreme Court.

Souris departed the Court in 1968, several years before John W. Fitzgerald and Lawrence Lindemer joined.

John Fitzgerald was a member of the Fitzgerald family in Michigan, son of a governor, grandson of a state representative. After graduating from high school in 1942, enlisted in the army.[68] Like Otis Smith, Fitzgerald was not shipped overseas, but "shuttled from coast to coast, from Texas to New Jersey to Illinois."[69] He was eventually discharged in May 1944, "following a bout of pneumonia."[70] Once his health returned, he completed his education at MSU and later University of Michigan Law School, and started his lengthy career in public service, starting in the state senate.

In 1975, Justices Fitzgerald, Swainson, and Williams were joined by Lawrence Lindemer. When Pearl Harbor was bombed, Lindemer was a college-student newlywed with a newborn. After completing his undergraduate studies at the University of Michigan in 1943, he joined the U.S. Army Air Force. He was

> shipped off to Fresno, California to work in cryptographic security. He saw no combat action during the war and spent his years at bases in Massachusetts and North Dakota, breaking code to help win the war.[71]

Once he returned state-side, Lindemer earned his law degree. In short order, he served as the Ingham County assistant prosecuting attorney, state representative, and member of the D.C.-located Hoover Commission, before settling down at the firm now known as Foster Swift Collins & Smith.[72] He was appointed to the Court in May 1975 by another World War II veteran, Bill Milliken.

The very last World War II veteran to join the Court was Robert P. Griffin, the former U.S. Senator who was in the twilight of his career. By the time he took his seat on the Court on January 1, 1987, the sixty-three year old veteran was a legendary politician, having served in Washington, D.C. for over twenty years during the 50s, 60s, and 70s, through the Kennedy assassination, the Civil Rights movement, and the Nixon resignation. He was, as one of his Court colleagues would later say, a man who "knew right from wrong and would call each by its proper name."[73] But before all that, he was a twenty-year old Detroiter who "enlisted in the Army in 1943"[74] and served with the 71st Infantry Division, including more than a year in Europe. Through his service, he earned two Battle Stars.[75]

When Griffin left the Court in 1995 – after a lifetime of service to his state and country – nearly fifty years had passed since the end of World War II. He was the last veteran from that conflict to serve as justice. He was not the longest survivor, though: that was Lawrence Lindemer, who passed away in the spring of 2020, in the midst of another global crisis of a different kind.

It was also nearly 245 years since the first veteran to serve on the Court "volunteered as private immediately after the battle of Bunker Hill,"[76] setting in motion events that would someday lead to the creation of the Michigan Supreme Court and everything that has followed since.

Lawrence B. Lindemer

ENDNOTES

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23. *The Gazette's Historical Scrap-Book: Edward Cahill, Native of Kalamazoo Who Sat in Supreme Court, Once Worked for Gazette*, Kalamazoo Gazette (May 10, 1929), p 19.
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Civil War Veteran Justice Charles D. Long

by Rachael L. Drenovsky

As veterans of the American Civil War matured from "boys" to older men, they came to dominate the political sphere, including the Michigan Supreme Court. In 1890, four of the five members of the Court had served in Union Army, and Justice Allen B. Morse and Justice Charles D. Long had each sacrificed an arm to the Union cause.[1] In an entertaining article about the history of the Court, the *Green Bag* magazine referred facetiously to the Justices in this period as a "military tribunal," recounting how an attorney once commented: "[T]he court now consisted of two lawyers, two one-armed soldiers, and another fellow."[2] More than a punchline for legal humor, Justice Long's Civil War service shaped his entire life.

Born on a farm in Grand Blanc, Michigan, in 1841, Long prepared to attend college but instead supported the Union cause by enlisting as a private in the Eighth Michigan Infantry Regiment in 1861.[3] During a siege near Savannah, Georgia, he suffered serious wounds on Wilmington Island in April 1862. As a result of his injuries, Long's shattered left arm was amputated above the elbow, and he retained a bullet in his lower pelvic cavity that was too dangerous to remove. The entry wound in his hip was never allowed to heal for fear of infection, and Long required twice-daily assistance changing the dressing ever thereafter. Even decades later, the wound was described as a painful, "gaping aperture."[4] In an era before the germ theory of disease, sterile techniques, and effective medications, Long was lucky to survive.[5]

Charles Dean Long, a disabled veteran of the Union Army, went on to study the law and join the bar in Genesee County, serve as county clerk and prosecutor, become the Detroit College of Law's founding president, and serve on the Michigan Supreme Court.

After returning home to Genesee County to recuperate, Long read the law and married Alma A. Franklin, with whom he eventually had three children.[6] As he undertook his legal studies, Long was elected county clerk.[7] He later established a private law practice and served as county prosecutor for several years. Active in the Republican Party, Long was named a committee chair at the state convention in 1880.[8]

Around the same time, he joined the Grand Army of the Republic (GAR), a national fraternal organization that supported Union veterans and their interests. Long served as statewide commander in the mid-1880s and was considered for national commander a decade later. GAR activities included meetings and encampments, commemorations and placement of monuments, and campaigns for veterans' pensions. Although officially non-partisan, the GAR wielded significant political power given its reach and the sheer number of Union veterans among the all-male electorate.[9]

A Flint man says that Judge Charles D. Long was a pretty tough looking young patriot the day he got back from the war to his old Genesee county home...Mr. Long stepped into the store before starting out to the farm, some distance from town to buy a few trifling articles to take to the old folks at home. He was ragged and had a disreputable linen duster on. His arm had been shot off and his other grievous wound affected his moments. He had just got out of the hospital and looked pale and ill.

"I kept thinking," says the proprietor of the store as at this late day he describes the judge's appearance, "what in the world is that poor boy going to do in the world. He's ruined for life."[1]

1. *Knows All About It; How Judge Long Came to Get His Rerating; By No Means Urgent in His Own Behalf; W.R. Bates Persuaded Him To Make Application; After a Sight of the Wound Had Given Him the Nightmare*, Detroit News (July 29, 1893), p 4.)

Long was severely wounded on Wilmington Island, near Savannah, Georgia, during a siege in April 1862.
(Courtesy Library of Congress,
https://www.loc.gov/item/gvhs01.vhs00085/)

For Union soldiers, invalid pensions began as early as 1862, but the system expanded significantly over time with pressure from the GAR and others. Early allowances were granted solely to disabled veterans based on their inability to perform manual labor. Applying and remaining eligible for pensions could be difficult, sometimes requiring the assistance of pension attorneys or agents, and in some cases, personal statutes from Congress. By the late-1880s as the needs of aging veterans increased, pension allowances grew, but not without controversy. Pensions became entangled with presidential politics, and in 1888 Benjamin Harrison won the presidency over incumbent Grover Cleveland in part due to the latter's opposition to pensions. In 1890, the Dependent Pension Act extended eligibility to nearly all Union army veterans disabled for manual labor, even if the disability was not directly related to the battlefield. By 1893 over 966,000 pensioners were on the rolls, and veterans' pensions accounted for more than 40% of the federal budget.[10]

Long's pension evolved in kind. Wounded in 1862, he applied for an invalid pension and was granted $8 per month, "the amount allowed a private soldier for an unspecified 'total disability.'" As pension laws became more generous, Long applied for and received increased monthly payments in 1866 ($15), 1872 ($18), 1874 ($24), and 1883 ($30). The next year, Long requested a further increase of up to $72 but was granted only $50 following a medical examination.[11]

The situation changed in 1889 after President Harrison named James Tanner, a disabled veteran and member of the GAR, to lead the Pension Bureau.[12] Ultimately short-tenured, Tanner streamlined the application process and rerated pensions, invariably raising individuals' payments. Critics questioned the cost as well as the worthiness of veterans' claims.

In Long's case, Tanner made a series of decisions that rescinded the previous order, raised payments to $72 per month, and granted arrears dating back to 1866.[13] Tanner initiated these actions without application, but at one point Long traveled to Washington, D.C., to meet with Tanner personally.[14] Newspapers reported that Long returned with $6,000 in back payments.[15] For several years, Long received this higher monthly allowance.

After President Cleveland returned to the oval office in 1893, the administration's new pension commissioner, William Lochren, adopted different rules and regulations. The bureau began investigating allowances and rerating those that the commissioner believed did not conform with pension law.[16] The GAR and other critics claimed that within nine months Lochren's policies resulted in thousands of veterans' pensions being suspended without notice and thousands being dropped from the pensions rolls entirely during a severe economic downturn.[17]

As a member of the Grand Army of the Republic (GAR), Long personally demonstrated the organization's three cardinal principles: loyalty, fraternity, and charity.
(Courtesy Library of Congress,
https://www.loc.gov/item/2003670397/)

Long's pension allowance quickly came under the bureau's scrutiny, likely due to his status in state government and the significant amount he received.[18] In July 1893 Lochner determined that the allowance Tanner had granted was illegal and thus suspended Long's payments until evidence could be taken and the matter adjudicated.[19] In the commissioner's view, Long was not a case of "total helplessness" since he was able to perform his duties as a member of the Court.[20] The *Detroit News* claimed otherwise, saying that on multiple occasions Long had fallen ill during sessions in Lansing and relied on others, including his judicial colleagues, to keep infection at bay.[21]

Just five weeks later, the GAR gathered at its national encampment in Indianapolis. Railway companies offered special tickets from various cities, and the pension office in Detroit opened early to accommodate the travelers who needed to collect quarterly payments before heading to the encampment. Whether Long himself attended is unknown, but news reports kept veterans back at home well informed.[22]

At the encampment, pensions overshadowed all other matters.[23] The GAR pension committee, "composed of true soldiers" without "a pension agent in the lot,"[24] argued that neither the Secretary of the Interior nor the Commissioner of Pensions had the power to change decisions made by previous administrations, except in cases of substantiated fraud.[25] Before folding their tents, the membership called for the question to be taken all the way to the U.S. Supreme Court, if necessary.[26]

Amidst this furor, Long brought his pension suspension forward as a test case. Instead of appearing for a special examination as ordered by the bureau or appealing to the Secretary of the Interior – the executive remedy, Long filed a petition for mandamus in the Supreme Court of the District of Columbia.[27] The petition requested Lochner "to show cause why [Long] should not at once be restored to the pension rolls."[28] Long's petition reflected the GAR's criticisms, describing the large number of pension payments that had been suspended: "In many cases the pensioner is old and helpless and mentally and financially incapable of obtaining an order of restoration."[29] His petition was filed to determine "the powers of the commissioner of pensions."[30]

Throngs gathered to watch the GAR review at its annual encampment in Indianapolis, September 5, 1893. Veterans' pensions dominated the conversation at the meeting.
(Courtesy New York Public Library Digital)

As the legal battle unfolded, Long and Lochren rationalized their actions to the public. In January 1894, the *Detroit News* described a "long, sarcastic letter"[31] in which Long justified his refusal to submit to the examination: his claim had been settled for decades, and his physical disabilities were well known.[32] Further, if he did not question Lochren's powers, would the commissioner suspend every pensioner and require new proofs be furnished within 30 days? Would that be a way to remove all pensioners from the rolls?[33] Supplying evidence had become an almost impossible task for many pensioners as the Civil War became more distant in time.

For his part, Lochren responded by devoting a section of the Pension Bureau's 1894 annual report to Long's case.[34] The commissioner first noted that Long had attracted wide attention by denouncing him and the bureau through speeches and the press.[35] Lochren then outlined the progress of the case, including further actions by the bureau and Long's additional petitions to the D.C. courts. The commissioner ended by stating:

> It is quite clear that under honest but mistaken interpretation of the pension laws by prior Commissioners this pensioner has obtained from the Treasury more than $7,000 to which he was never lawfully entitled. Should he make good his assertion that he will take this case for decision to the Supreme Court of the United States, he may, when it shall be finally decided, consider the propriety of returning this money to the Treasury.[36]

After nearly three years of court filings, executive actions, and judicial decisions, Lochren's order was ultimately upheld. In June 1896 the D.C. Court of Appeals

As qualifications for pensions expanded, critics became increasingly concerned about fraudulent claims. A political cartoon titled "The Cause of It," depicts a GAR veteran looking askance at a fraudster shark leaving a "Pension Agency" that advertised "Pensions for Everybody. Apply Early. War Record Immaterial." (Courtesy Library of Congress, https://www.loc.gov/item/2012647448/)

ruled that the Commissioner of Pensions had the discretion to review and modify the decision of previous commissioners.[37] The commissioner set Long's pension allowance at $50 per month, where it remained. During the McKinley Administration, Long applied one last time to the Pension Bureau for Lochren's order be vacated, but Commissioner H. Clay Evans refused.[38]

Although Lochren had deemed Long's pension allowance too generous, the Justice's disability had never been in doubt. Eventually, the open wound that had troubled him for four decades led to a two-year physical decline, which friends observed with alarm.[39] First, Long suffered from vague stomach troubles and then from obvious signs of kidney failure, including bouts of unconsciousness. He soldiered on bravely, completing his assigned cases for the June session of 1901.[40] After attempting the first week of the October session, his health never allowed him to return to the bench. Long passed away in Detroit under a doctor's care in the home of his daughter and son-in-law on June 27, 1902.[41]

An intense outpouring of sorrow followed. His demise was reported throughout Michigan and beyond, reminding readers of his disability and related pension case.[42] Government officials lowered flags to half-staff at the State Capitol, closed some state departments, and adjourned courts in Detroit so judges and members of the bar could travel by special train to Flint for Long's funeral and interment.[43] Newspapers described bereft friends at the Detroit memorial service, and nearly 2,000 people reportedly filed through the Genesee County courthouse during the hours Long was lying in state. [44]

When members of the Court memorialized their late colleague during the October session of 1902, grief had barely tempered. Long's chair, which had sat empty for nearly a year, was adorned with black crepe and a wreath of white roses. State Representative John J. Carton of Flint presented Long's portrait on behalf of the state bar, and attorney George E. Taylor offered a resolution by the Genesee county bar.[45] All four of Long's former judicial colleagues gave heartfelt remarks, and every speaker eulogized him warmly. Descriptors such as "just" and "brave" would be expected, but three speakers[46] also compared Long's manly presence to "sunshine." Acerbic Justice Claudius B. Grant honored Long as a courageous soldier and a "good and incorruptible judge." Fellow amputee Justice Morse remarked: "He was the most unselfish man, I think, that I ever knew. He was a good citizen, a true friend, a faithful public servant, and a lovable man."[47] Justice Joseph B. Moore, who became acquainted with Long in the 1860s, observed that as a young man Long had faced the enormity of his disabilities and "determined that each day should be a cheerful day, and that he would take up life's duties courageously."[48]

While many sons of farmers wounded in service faced dire circumstances, Long had used his extraordinary "pluck," "energy," and "confidence" to accomplish more than expected. Today, he is noted for expanding the Michigan Supreme Court as its fifth member (1888), serving as Chief Justice, and becoming the founding president of the Detroit College of Law – now Michigan State University College of Law (1891–1902). Reflecting on the memorials offered by his contemporaries, however, Justice Long himself might have preferred to be remembered for the relationships he built with "broad-minded sympathy…for all classes and conditions," from destitute veterans and their families to appellate counsel who argued cases before him.[49]

ENDNOTES

1. *Civil War Justices*, Michigan Supreme Court Historical Society Newsletter Spring 2014.
2. Chaney, *The Supreme Court of Michigan*, Green Bag 2 (1890), p 394.
3. His parents, Peter and Betsy Swift Long, were New Englanders who had met and married in Genesee County, New York, before moving to Ashtabula, Ohio, and La-Porte, Indiana, before settling in Michigan in 1840. ("Hon. Charles D. Long," *Cyclopedia of the State of Michigan: Historical and Biographical* (New York: Western Publishing and Engraving Co., 1890), pp 88-89.)
4. W.R. Bates, private secretary to U.S. Senator James McMillan, described in detail the horror of seeing Long's wound after a train journey from New York to Washington, D.C. A hotel porter had to be summoned to assist Long in changing his clothing, which had been soaked to his stockings. (*Knows All About It; How Judge Long Came to Get His Rerating; By No Means Urgent in His Own Behalf; W.R. Bates Persuaded Him To Make Application; After a Sight of the Wound Had Given Him the Nightmare*, Detroit News (July 29, 1893), p 4.)
5. Reilly RF. Medical and surgical care during the American Civil War, 1861-1865. Proc (Bayl Univ Med Cent). 2016 Apr;29(2):138-42. doi: 10.1080/08998280.2016.11929390. PMID: 27034545; PMCID: PMC4790547.
6. Daughter Jessie Evelyn Long (January 5, 1868-July 9, 1925) married John M. Barton with Wright, Kay & Co, Detroit with whom she had one son.
Son Burt E. Long (January 14, 1870-January 12, 1906) joined the Detroit police department and died suddenly of a hemorrhage.
Daughter Cora Mae (who went by "May" or "Mae") Long (March 14, 1872-June 29, 1944) married Edward Schremser, a prominent bandleader and musician in Detroit. The couple had one daughter before divorcing in 1901.
("Charles D. Long," *Men of Progress: Embracing Biographical Sketches of Representative Michigan Men with An Outline History of the State* (Detroit: Evening News Association, 1900), p 116.)
7. *Knows All About It*.
8. "Hon. Charles D. Long," *Cyclopedia of the State of Michigan*.
9. Id.
10. Confederate veterans were not eligible for federal pensions and depended on limited state systems.
(Gorman, "Civil War Pensions," Essential Civil War Curriculum, May 2012, pp 1-3.
Johnson, *Great Injustice: Social Status and the Distribution of Military Pensions after the Civil War*, 10 J Gilded Age & Prog Era 2 (2011), pp 141-142.
Marten, *America's Corporal: James Tanner in War and Peace* (Athens: University of Georgia, 2014), chapter 4, pp 2, 7.
McMurry, *The Political Significance of the Pension Question, 1885-1897*, 9 MS Valley His Rev 1 (1922), pp 19-36.

Report of the Commissioner of Pensions to the Secretary of the Interior For the Year ended June 30, 1894 (Washington: Government Printing Office, 1894), p 3.)
11. *Lochren v United States ex rel Long*, 6 App DC (1895), 487-490.
12. *America's Corporal: James Tanner in War and Peace*, pp 92-131.
13. *Lochren v US ex rel Long*, 487-490.
14. *Justice Long's Pension*, Detroit Free Press (July 29, 1893), p 4.
15. The amount is likely equivalent to almost $206,000 in 2024 dollars. <https://www.in2013dollars.com/> (accessed April 2, 2025).
J*udge Long's Back Pension*, Bay City Times (July 17, 1889), p 1.
State Briefs, Kalamazoo Gazette (July 26, 1889), p 5.
16. *Report of the Commissioner of Pensions* (1894), pp 11-13.
17. *Folding Up Their Tents; Grand Army Men Deserting Indianapolis; Trains Loaded to Overflowing with Old Soldiers; The Business of the Encampment Brought to a Close; Long Report Presented by the Committee on Pensions*, Detroit Free Press (September 8, 1893), p 1.
Eager for Their Pay: Veterans Get Up Early to Collect Their Pensions; Great Rush Into the Hammond Building—How the Soldiers Draw Their Stipends From Uncle Sam, The Detroit Evening News (September 4, 1893), p 2.
18. The Cleveland Administration took months to settle upon Lochren as Commissioner of Pensions. Former judge and one-term Congressman Harrison H. Wheeler, a Democrat from Ludington, had been a leading candidate but was appointed the pension agent in Detroit instead. In Congress Harrison had proposed publishing the names of all pensioners to root out fraud.
(*Pension Office Fraud; Judge Wheeler Has a Plan to Unearth Them; Make Public the Names of All Pensioners on the Rolls; Ex-Gov, Glick Pushed for Secretary of Agriculture; Claims of a Michigan Man for Marshal of the Western District*, Detroit Free Press (January 5, 1893), p 1.
Detroit Pension Agency; Judge Harrison H. Wheeler May Get the Office; His Chances of Appointment Considered Good; The Contest for Seats in the House of Representatives; Republicans in the General Land Office Marked for Dismissal, Detroit Free Press (May 31, 1893), p 1.
Sayings and Doings, Detroit Free Press (October 16, 1894), p 5.)

19. *Report of the Commissioner of Pensions* (1894), p 10.
20. *Lochren v US ex rel Long*, 496.
21. For example: "Ex-Judge Champlin, especially, has many times as an amateur but skillful surgeon reopened with his own hands the wound that the old soldier might be enabled to arise and take up again his important duties as an associate justice."
(*Cut Him Off; Justice Long's Pension Suspended; He Had One of His Arms Shot Off; And a Ball Left an Open Wound in His Abdomen; But the Pension Department Is to Investigate Him; Even if He is a Member of Michigan's Supreme Court*, The Detroit Evening News (July 21, 1893), p 1.)
22. *Eager for Their Pay*.
23. Former Commissioner Tanner, on the other hand, was a "center of attraction for many veterans" at the Indianapolis encampment.
(*Corporal Tanner: Views on the Encampment and Pensions Election Forecast*, The Indianapolis News (September 5, 1893), p 3.)
24. *The Pension Committee: It Is Composed of True Soldiers and There Isn't a Claim Agent in the Lot*, Indianapolis Journal (September 3, 1893), p 15.
25. *Folding Up Their Tents; Grand Army Men Deserting Indianapolis; Trains Loaded to Overflowing with Old Soldiers; The Business of the Encampment Brought to a Close; Long Report Presented by the Committee on Pensions*, Detroit Free Press (September 8, 1893), p 1.
26. *Id.*
27. *Asks for a Mandamus; Justice Long Will Make a Test of His Case; Wants Commissioner Lochren to Show Cause for His Action; Representative Weadock Returns to Washington; Michigan Postmasters Appointed—National Capital News*, Detroit Free Press (October 5, 1893), p 1.
28. *Id.*
29. *Id.*
30. *Id.*
31. It's worth reading this letter in full as quoted in the article, *Long Smites Lochren*.
32. *Long Smites Lochren; Why He Wouldn't Submit to Reexamination; The Pension Commissioner a Prejudiced Judge—Threatens More Court Proceedings—An Able Review of the Case*, Detroit News (January 16, 1894), p 2.
33. *Long Smites Lochren*.
34. *Report of the Commissioner of Pensions* (1894), pp 11-13.
35. *Id.* p 11.
36. *Id.* p 13.
37. *Lochren v US ex rel Long*, 512.
38. *Washington Notes*, The Detroit Evening News (January 19, 1898), p 3.
39. *In Memoriam Charles D. Long, October 7, 1902* <https://www.micourthistory.org/special-sessions/in-memoriam-charles-d-long/> (accessed April 2, 2025).
40. *Id.*
41. *Id.*
Justice Long Is Near Death; Failing Steadily for Weeks the End May Come at Any Time; He Is Now at the Resident of His Son-in-Law, John M. Barton, 237 Lincoln Avenue, Detroit Evening News (March 19, 1902), p 1.
No Change In The Patient's Condition; Judge Long Physician Has Hopes of Recovery, The Detroit To-Day (March 20, 1902), p 1.
Justice Long Is No More; Distinguished Jurist Died of Uremic Blood Poisoning This Morning; He Has Been Ill for Months—Contracted a Fatal Cold on the Cars Recently, Detroit Evening News (June 27, 1902), p 1.
42. *Judge Long Is Dead: Famous Jurist Passed Away Yesterday Afternoon; Was Chief Justice of State Supreme Court; He Served with Valor in the Civil War; Was President of the Detroit College of Law; Flags Placed at Half-Staff at Lansing*, Detroit Free Press (June 28, 1902), p 1.
Death of C.D. Long; Well-Known Michigan Justice Who Had a Tilt With Lochren; Badly Wounded During the Civil War and Was Pensioned in the "total Disability" Class, Indianapolis Journal (June 28, 1902), p 5.
Justice Charles Long Dead; Veteran Member of Michigan Supreme Bench Dies After Long Illness, The Omaha Daily Bee (June 28, 1902), p 1.
43. *Judge Long Is Dead.*
Judge Long's Burial; Will Take Place at Flint Tomorrow; Services in Detroit This Afternoon—All Courts Adjourned Out of Respect for His Memory, Detroit Evening News (June 28, 1902), p 5.
Many Friends Attended Memorial Services to Late C.D. Long; Scenes About the Coffin Touching in Extreme; Eloquent Words Pronounced by Rev. Reed Stuart; Aged Court Attache From Lansing Sobbed Pitifully as He Gazed on the Face of His Dead Friend, Detroit News (June 29, 1902), p 1.
44. *Remains Lay In State: Internment of Judge Long Took Place Yesterday; Gov. Bliss Marched with Old Soldiers; Detroit College of Law Adopted a Memorial*, Detroit Free Press (June 30, 1902), p 3.
45. *In Memoriam Charles D. Long.*
46. John J. Carton, George E. Taylor, and Justice Moore.
47. *In Memoriam Charles D. Long.*
48. *Id.*
49. At the October memorial, DeVere Hall spoke extemporaneously of gaining confidence from looking at Justice Long's kindly countenance "in the embarrassments that surround the argument of a case." https://www.micourthistory.org/special-sessions/in-memoriam-charles-d-long/; *Michigan Supreme Court Historical Society Reference Guide* (2015), p 78.

World War I Veteran Justice Harry F. Kelly

by Carrie Sharlow

In mid-April 1918, after he'd arrived at the military hospital, Harry Francis Kelly telegrammed his parents with the news that he had a "slight wound in [his] leg."[1] Just in case they were worried, he added, "No danger."[2] His telegram was publicized in his hometown newspaper: "That he directed the sending of word home to comfort his father and mother, is indicative of the fact he probably is not very seriously hurt."[3] The true severity of his injury came out later.

Harry F. Kelly may be more readily recognized as Michigan's war-time governor from 1943 to 1947, but we know him more as a Michigan Supreme Court justice serving from 1954 to 1971. He is also one of five World War I veterans to serve on the Court, and one of two awarded the Croix de Guerre.

Like many before him and since, Harry was born and raised outside the Great Lakes State. He was a native of Ottawa, Illinois, born April 19, 1895, to Henry Michael Kelly and Mary Agnes "Mollie" Morrissey Kelly. He was their oldest son and Marie Eleanor Kelly's twin brother. Henry Kelly was the grandson of Irish immigrants who settled in Illinois around twenty years before the Civil War. The grandson of a stonemason and son of a farmer, Henry read law before he was admitted to the bar four years before Harry's birth; evidently, he was a successful lawyer and the head of what must have been a lively household. Eventually, the Kelly Family included nine children, three girls and six boys, born over seventeen years.

The youngest was five when the Kelly family surely had one of the most difficult calendar years of its communal existence. It began with Harry, who'd surely been expecting to graduate from Notre Dame Law School later in the spring of 1917. Instead, he was named to the Officers Reserve Corps and "assigned to Fort Benjamin Harrison in Indiana"[4] and later Fort Sheridan. The day before his departure, he took the Illinois bar exam,[5] and he would receive his diploma in the mail later that summer.[6] But as 1917 progressed, the Kelly family was soon diverted to other, more tragic things. Harry's younger brother, Melville, four years his junior, was "asphyxiated by motor fumes" while working on the family car in the garage. [7]

The family barely had a chance to recover from that loss when Harry enlisted in the U.S. Army, American Expeditionary Force,[8] and sailed for France.[9] There "he was assigned to Company L, 9th Infantry Regiment, 2nd Division as a platoon leader."[10] Less than a year after Harry had started training with the Officers Reserve Corps and passed his bar exam, there was a skirmish in France with the enemy. This was when he received a "slight wound in [his] leg."[11]

It was a grenade explosion. Harry was seriously wounded and captured, before he escaped and was again wounded.[12] When he was awarded the Croix de Guerre on May 5, 1918, the citation read:

> Wounded in both legs and made prisoner by five of the enemy, he bravely defended himself and escaped with the aid of a few men who had run to his assistance. Wounded again, he had to spend the entire night at a trench end before it was evacuated.[13]

By that time, Harry's family had learned the full extent of his injuries.[14] It was no slight wound: his left leg was amputated above the knee[15] and his "right leg was punctured in fourteen places" by shrapnel.[16] Eventually, his name would become a rallying cry amongst his comrades as they fought, "remember[ing] Kelly."[17]

As he recuperated, Harry kept up his spirits, wrote to his family, and thought about his future prospects. He originally thought "[he] would never want to return in any other condition than that in which [he] left, preferring death instead. But things appear[ed] altogether different" in April 1918.[18] And while he would return home "not quite the same person physically as when I left for I will be moving around on one leg,"[19] he would still be able to

- practice law;
- serve as the state attorney for LaSalle County for four years;
- serve as "Chief Prosecuting Attorney for the people of the State of Michigan, in Michigan's first one man grand jury,"[20]
- head Detroit's Liquor Control Commission;
- serve as Michigan's Secretary of State from 1939 to 1943;
- serve as Michigan's governor during another global war; and
- serve on the state's highest Court for over fifteen years.

Quite a résumé – and it doesn't even mention marrying and raising a family of six children.

When he died fifty-two years after his battle injury, all in Illinois and Michigan could agree it had been a successful life.

Harry F. Kelly from the 1939 *Michigan Manual*.

ENDNOTES

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2. *Id.*
3. *Lieut. Harry Kelly Wounded During Fighting in Flanders: Ottawa Boy Falls a Victim of Boche Gunfire, Sends Word Home, Message Is Received Here Officer Has Been Slightly Wounded in Action—Injury To Limb. Sends Cable Home*, Free Trader-Journal (April 23, 1918), p 1.
4. *More Ottawans Are Named to Officers' Reserve Corps Camp*, Free Trader-Journal (May 12, 1917), p 1.
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6. *Soldier-Lawyer to Get His Graduation Diploma Thru Mails*, Free Trader-Journal (June 11, 1917), p 1.
7. *High School Boy Overcome by Motor Fumes, Is Asphyxiated: Son of Attorney and Mrs. Kelly Found Dead in Garage; Prostrates Family; Shock Proves Hard Blow to Kin of Dead Youth—Brother Discovers Lifeless Body in Basement of Home*, Free Trader-Journal (July 31, 1917), p 1.
8. U.S., Department of Veterans Affairs BIRLS Death File, 1850-2010.
9. The National Archives at College Park; College Park, Maryland; Record Group Title: Records of the Office of the Quartermaster General, 1774-1985; Record Group Number: 92; Roll or Box Number: 380
10. Stanley, p B-1.
11. Stanley, p B-3.
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15. *Id.*
16. *Id.*
17. *Id.*
18. Stanley, p B-3.
19. *Id.*
20. *Portrait Presentation of Justice Harry F. Kelly*, <https://www.micourthistory.org/special-sessions/presentation-of-the-portrait-of-the-honorable-harry-f-kelly/> (Accessed February 19, 2025.)

October 22, 2025 Progressive Dinner

On Wednesday, October 22, the Historical Society hosted its second annual Progressive Dinner at the Hall of Justice. Over sixty participants joined Chief Justice Cavanagh and Associate Justices Zahra, Welch, Thomas, and Hood in their chambers for hors d'oeuvres and comradery.

The evening began in the courtroom on the 6th floor of the Hall of Justice where the justices were kind enough to take group photos with guests. The prints will be sent out soon!

This was followed by remarks in the rotunda. First, from Mary Massaron, longtime chair of the Society Advocates Guild, who spoke of the rich history of the Court and its advocates (her full remarks are available on page 23).

Chief Justice Megan K. Cavanagh then related the history of several of Michigan's lesser known historical justices who'd served on the Court one hundred years earlier – Justices Joseph Moore, Grant Fellows, and Joseph Steere – and the Court's continued commitment to freedom, truth, equality, and justice (her full remarks are available on pages 24 and 25).

Each judicial office contained a different hors d'oeuvre while a traveling drink cart followed along, ending with dessert – miniature cheesecakes – in the rotunda.

Thank you to everyone who attended, and thank you, Chief Justice Cavanagh and Justices Zahra, Welch, Thomas, and Hood for opening up your offices!

Society Board Member Alena Clark shares a laugh with Chief Justice Cavanagh while Professor Gerard Fisher speaks with Society President Joseph Gavin in the foreground while Elizabeth Parker, Liisa Speaker, and Jordan Ahlers-Smith take a group photo in the back.

There was a huge tray of sushi in Chief Justice Cavanagh's chambers.

Michigan's newest elected justice, Kimberly Thomas, speaks with Thomas Meagher and Destiny Hughes, both attorneys with the law firm of Foster Swift Collins & Smith PC, a well-known firm and Society corporate sponsor.

Justice Elizabeth Welch captivates her listeners, including Society Board Member and Dykema attorney Mark Magyar, Ronald Reynolds of Hilger Hammond, and Andrew Abood of the East Lansing-located Abood Law Firm.

Like Justice Thomas, this was Justice Noah Hood's first Society Progressive Dinner. The Court's newest justice was appointed to Justice Elizabeth Clement's vacant seat when she resigned earlier this spring. Here, he speaks with Advocates Guild member Danielle Walton and Society Board Member Geraldine Brown, while Joseph Gavin speaks with Alena Clark and Jordan Ahlers-Smith. Jim Benison, training attorney with Prosecuting Attorneys Coordinating Council, stands to the right.

As with last year, the evening ended in Justice Brian Zahra's chambers. To his left sits Hillsdale College Portrait Artist Sam Knecht, who is currently working on Justice Zahra's official court portrait. To the Justice's right are Jeffery V. Stuckey of Dickinson Wright; John D. Pirich, Society Board Member; and Sarah Erickson. Nolan L. Erickson with the Grewal Law firm is standing at the far end of the table.

There is always excellent food at these events.

Mary Massaron's Remarks

Good evening and welcome:

This is the annual event that we hold to celebrate the Advocates who appear before the Michigan Supreme Court. But more than a celebration, it is a time to reflect on our roles as lawyers and as judges.

In thinking about my remarks tonight, I was remembering the many past dinners we have held in this building – with some of us who were here from the beginning and many justices who have become members of the Court since then and many lawyers who have argued their first appeal here in the intervening years.

And as I come closer to the end of my professional life as an advocate, I recall Justice Frankfurter's comment that we belong to "a profession that has behind it a history of some seven or eight centuries of continuous functioning." In Frankfurter's view, we belong to a tradition, which he explained "if it is worthy of that name, is not wealth hoarded; it is a dynamic energy to be applied."

The Advocates Guild strives to guard and maintain that tradition – a tradition that we can justly be proud to be a part of and that we can learn from and be inspired by. And I would add, that when we are tempted to adopt a cynical stance about the role of the Court – or about our role as advocates – we can look at this rich history to find renewed inspiration.

Appeals are not a game to win by means of fair or foul. Courts are not a political body that decides cases by the exercise of will. We learned to think like lawyers – which means lawyers use reason to argue urging the Court to apply recognized methods of judicial decision-making to record facts. It is this process that defines us, and when we do it well, each and every appeal becomes part of the foundation of law that allows for a civilized society.

We are living in a fraught time – and one in which the idea of reasoning together on the basis of facts that can be proved is under attack in many quarters and misunderstood in many more. Frankfurter said as well that "it is the legal profession beyond any other calling that is concerned with those establishments, those processes, those criteria, those appeals to reason and right, which have had a dominant share in begetting a civilized society."

To Frankfurter, "the legal profession at the highest level does, as probably no other, develop the absorbative and analytical capacities of the human mind." So a life in the law – as lawyer or judge – is and should be a constant process of thinking and learning – it "affords the amplest opportunities for the greediest intellectual appetite."

Frankfurter believed that the "lawyer has a very special responsibility as a citizen, in giving guidance through speeches, letter to the press [or postings on today's social media] – not hot-air talk at bar associations about how wonderful we are- but guidance, and illumination on public issues." And as our Courts are under attack, we are all called upon to explain to our neighbors and those with whom we come in contact, the nature of the judiciary – and the processes of decision-making.

Chief Justice Megan Cavanagh's Remarks

Since this is a Historical Society event, I was curious to look back in the history of the Court to see who was serving on this day one hundred years ago.

The first Justice serving on this day in 1925 that I learned about was Justice Joseph Moore, who when he retired on New Year's Day, 1926, had served thirty years on this bench. Later, when Justice Moore's portrait was presented, former Justice Carpenter talked about the tradition of hanging the portraits of former Justices. Carpenter said, and I quote:

> This custom is doubtless founded on the belief— the justifiable belief— that these portraits of old judges of this Court on these walls not only honor those judges and preserve their memory, but also contribute to the better administration of justice. Their faces, looking down upon this room, exert a beneficent influence upon the judges and practicing lawyers here engaged in performing their judicial duties. Their presence tends — and the addition of the face of another worthy judge like Justice MOORE strengthens that tendency— to quicken our sense of responsibility and to increase our devotion to the cause of justice, the cause to which Justice MOORE dedicated his life, and the cause to which our lives should be dedicated.[1]

While the sentiments of Justice Carpenter's statement are certainly admirable – responsibility and devotion to the cause of justice – and it is certainly appropriate that the portrait of Justice Moore now graces the 5th floor rotunda of the Hall of Justice, I am not so sure that staff of the State Court Administrative Office are inspired to improve the administration of justice when they see Justice Moore every time they go to the restroom.

Seriously, maybe we should take a quick trip downstairs one flight and toast Justice Moore for his long service

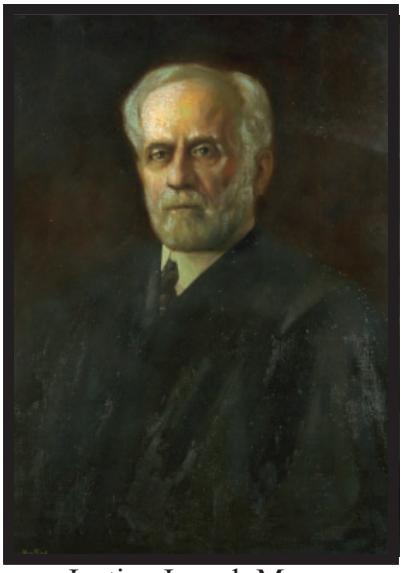
to the people of Michigan. But what I think should inspire us is not the portraits of our predecessors but their actions and their decisions to stand for the principles inscribed in granite in front of the Hall of Justice – freedom, truth, equality, and justice.

Personally, I remember what my father, Chief Justice Mike Cavanagh, said when the Hall of Justice was dedicated. He talked passionately about the importance of those four words and how he hoped visitors, especially students, would think about each of those principles before entering the building.

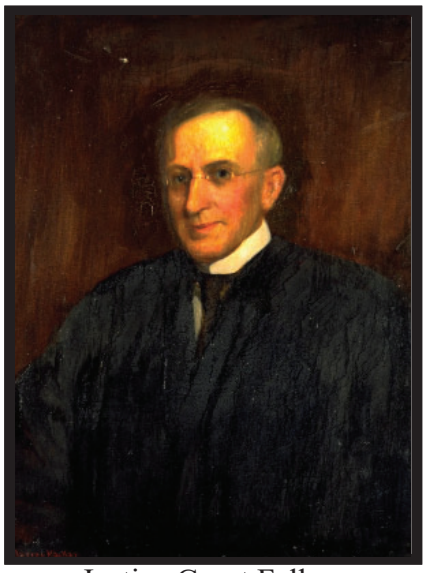
Most importantly, Chief Justice Cavanagh said: "In freedom and in truth and in equality we are then prepared to find justice."

Over the years, our predecessors have been prepared to find justice. For example, another of the 1925 Justices, Grant Fellows made national news with his opinion in *Bennett v Fleser*, in which he wrote:

1. Michigan Supreme Court Historical Society, "Special Sessions: Presentation of the Portrait of the Honorable Joseph B. Moore," <https://www.micourthistory.org/special-sessions/presentation-of-the-portrait-of-the-honorable-joseph-b-moore/> (accessed October 22, 2025).



Justice Joseph Moore



Justice Grant Fellows

Justice Joseph Steere

> The community took the law into its own hands to administer it according to the ethics of the stone age. It is our proud boast that all are equal before the law. If we deviate from this we must adopt one measure of damages for the attendant of pink teas and another for the scrubwoman; one for the society woman and another for the Magdalene.[2]

The final Justice who was serving on this day in 1925 that I want to highlight is Justice Joseph Steere.[3] Born in 1852 and raised in Lenawee County, Moore moved to Sault Ste. Marie in 1878 where he lived until his death in 1936. Elected to the circuit bench at the age of 28, Steere served on that bench for 30 years before his appointment to the Supreme Court, where he served for 16 years – an amazing record of 46 continuous years on the bench.

After his retirement from the Supreme Court, when Steere's portrait was presented in 1929, a prominent attorney spoke and recognized that what is important to celebrate is the institution of the Court and what it stands for, and not just the Justices who serve on the bench. He said, and I quote:

> Individuals pass, but the Court persists: not eight Justices only, but eight Justices, unsurpassed traditions, and the undisappointed confidence of a justice-loving Commonwealth.[4]

At his portrait ceremony, my dad expressed a similar sentiment:

> Overall, I truly have had the experience of a lifetime, and I've been blessed to have served the people of this great state. I hope the Court can continue to enjoy the respect of the people. More than 200 men and women have served on the Michigan Supreme Court. God willing, a far greater number will serve in the future. I received this Court in good shape from those who came before me and I tried to do everything I could to make sure that whoever came after me would receive a Court that is healthy in every way.[5]

This comment is appropriate this evening because our Court has seen much change in recent years – new members, changes in leadership. But with all that change, the Court continues to be healthy in every way, and the principles for which we stand remain constant: freedom, truth, equality, and justice.

Thank you.

2. 225 MICH 224 (1923).

3. Michigan Supreme Court Historical Society, "Joseph Steere," <https://www.micourthistory.org/justices/joseph-steere/> (accessed October 22, 2025).

4. Michigan Supreme Court Historical Society, "Memorial and Presentation of the Portraits," <https://www.micourthistory.org/special-sessions/memorial-and-presentation-of-the-portraits/> (accessed October 22, 2025).

5. Michigan Supreme Court Historical Society, "Presentation of the Portrait of the Honorable Michael F. Cavanagh," <https://www.micourthistory.org/special-sessions/presentation-of-the-portrait-of-the-honorable-michael-f-cavanagh/> (accessed October 22, 2025).

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Older Photos

By Carrie Sharlow

Since a 2026 newsletter will focus on the late Justice Charles Levin, I've been looking for the Society's photo archives for older photos.

We have a photo album from Justice (now Senior Federal District Judge) James L. Ryan's portrait unveiling held on March 30, 1995. For some perspective, this event was held in the G. Mennen Williams Building. While a permanent home for the supreme court had been discussed for years, the groundbreaking of the Hall of Justice was more than four years off into the future.

In the foreground, you can see Patricia J. Boyle. Next to her is Charles L. Levin followed by James H. Brickley, who was serving as Chief Justice at the time. The late Michael F. Cavanagh is next to Justice Brickley and Elizabeth A. Weaver is hidden by Justice Cavanagh's hand. Presumably, Conrad L. Mallett, Jr. is sitting outside the range of the photo, on the other side of Justice Boyle. And while I know Dorothy C. Riley was at this event, I cannot locate her in this photo. I think she is next to Justice Cavanagh.

From the Desk of the Executive Director

By Lynn Seaks

When Carl Herstein approached me about becoming the Executive Director of the Historical Society in late 2022, I admit I was taken a little off guard. I knew little about the Society and what it did. I had left the Supreme Court years prior and never imagined having the opportunity to return. It did not take long for me to accept the position, and being back at the Court just felt right. I loved being given the freedom to make the position my own (with the support of the Board).

The position had been vacant for about three months, so it took me a good year to really settle into a flow and comfort level. It required earning new applications and processes, while catching up on invoicing, billing, and other communications.

Carrie Sampson, the previous executive director, was a huge resource for me as I transitioned into the position. Carrie had accepted a new position elsewhere but still found time to answer my calls and questions (even showing up a few weekends when I needed her help). I owe her so much gratitude for her guidance.

Feeling a little more comfortable, I began to map out what I wanted to achieve for the Society. Increasing membership seemed the logical place to start, and while fundraising was a piece of the equation, I never realized I would enjoy it so much: it is something I always look forward to. The Society has been able to bring back members who'd stopped contributing, while acquiring new members and advocates, and we even have 21 corporate sponsors!

The Society also felt that we needed to provide opportunities for our members to attend smaller, subject-focused events and we've hosted three such programs. Carrie Sharlow has reinvigorated the newsletter and has received an award for her research and writing expertise. We also have given focus to our advocates and law clerks, creating directories for both.

Each time I think to myself "you should retire," the thought of my "things I want to do" list comes to mind, and I get excited about a new idea or event. The year 2026 is going to be an exciting one and the Society has big plans in store. We can't do what we do (or want to do) without our members, so thank you!

MICHIGAN SUPREME COURT
HISTORICAL SOCIETY

3rd Floor, Hall of Justice
925 W. Ottawa Street
Lansing, MI 48915

Mission Statement

The Michigan Supreme Court Historical Society, a non-profit 501(c)(3) corporation, collects, preserves, and displays documents, records, and memorabilia relating to the Michigan Supreme Court and the other Courts of Michigan, promotes the study of the history of Michigan's courts, and seeks to increase public awareness of Michigan's legal heritage. The Society sponsors and conducts historical research, provides speakers and educational materials for students, and sponsors and provides publications, portraits and memorials, special events, and projects consistent with its mission.

Society Update is published quarterly by the Michigan Supreme Court Historical Society. Writing admissions, article ideas, news, and announcements are encouraged. Contact the Society at: Hall of Justice, 925 W. Ottawa, 3rd Floor, Lansing, Michigan 48915 or 517-373-7589.