THE COURT
Legacy

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The USS *Michigan*: The Navy's First Iron Warship

By David G. Chardavoyne

This is the third article related to the story of James Jesse Strang and his kingdom on Beaver Island in the 1850s. The first two articles appeared in the June 2003 newsletter and discussed the creation of the Strangites' kingdom, the involvement of President Filmore and U. S. Attorney George C. Bates, and the eventual trial of James Jesse Strang before Judge Ross Wilkins in the District Court in Detroit.

When United States District Attorney George Bates decided to arrest James Strang on Beaver Island, he asked President Millard Fillmore for the support of the iron-hulled paddle steamer USS *Michigan*, the most formidable warship on the Great Lakes. The *Michigan*'s twin steam engines sped Bates and his team of U.S. Marshals to Mackinac Island from Detroit in forty-eight hours (despite fog that caused Captain Bullus to stop at anchor twice for more than thirteen hours) and then on to Beaver Island before anybody could raise the alarm.[1] Although the Mormons had mounted cannon on a sailing vessel run aground in the harbor, the sight of the *Michigan*'s imposing black hull, powerful eight-inch cannon, and complement of Marines assured that there would be no resistance to the federal arrest warrants Bates carried.

Captian Bullus

The USS *Michigan* was the United States Navy's first iron-hulled warship. Commissioned in August 1844, the *Michigan* was then, and for decades thereafter, one of the fastest ships in the world. For sixty-eight years (the third longest active service of any Navy vessel) she patrolled the long U.S. border with Canada from Niagara to Houghton, rescued dozens of ships and hundreds of sailors, enforced law and order throughout the upper Great Lakes, and recruited thousands of sailors for the Navy.[2]

Courtesy of Burton Historical Collection

Painting of the U.S.S. Michigan
By Charles Robert Patterson

The decision to build an iron war ship designed specifically for service on the Great Lakes was the inspiration of Secretary of the Navy Abel Parker Upshur. In September 1841, faced with a British buildup of ships on the lakes, Congress appropriated $100,000 to build "such armed steamers or

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other vessels for defense of the northwestern lakes as the President may think most proper."[3] Secretary Upshur seized this opportunity to promote the use of American iron for ships while also improving the technical skills of American shipbuilders. The iron hull, designed by Samuel L. Hartt, and the steam engines, designed by Charles W. Copeland, were manufactured at the Stackhouse and Tomlinson Iron Works in Pittsburgh. After the parts were checked for fit, they were transported to Erie, Pennsylvania, by canal where the ship was reassembled. There President John Tyler christened her U.S.S. *Michigan* in December 1843, and she entered active service on August 19, 1844.

The *Michigan* measured 167 feet long on deck and was rated at 582 tons burthen with a crew of 106 officers and men. Her iron construction allowed a hull that wooden ships could not match: sleek, light, and streamlined at the waterline with a stiff frame and flat bottom. The result was superior maneuverability, a steady gun platform, and, above all, tremendous speed. Her twin coal-fired engines transferred 330 horsepower to her side paddles, allowing her to cruise routinely at twelve knots or better, and she could reach fourteen knots under full steam.[4] In addition to her engines, the *Michigan* also had three masts, and illustrations often depict her under a full complement of sails. In fact, she rarely used sails because she could reach higher speeds using her engines alone and she could carry enough fuel to make even the longest lake trip on steam alone.

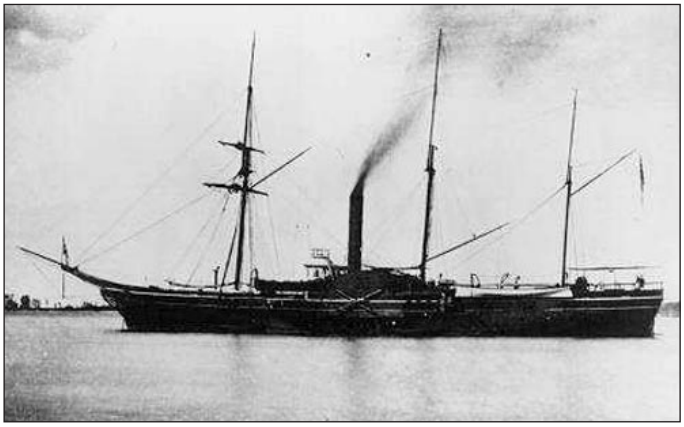
For its first nineteen years, the *Michigan* was armed with only one cannon. The Rush-Bagot Agreement, negotiated with Great Britain in 1818, limited each country's fleet on the lakes above Niagara to two warships of no more than one hundred tons each carrying a single eighteen-pounder cannon.[5] When Secretary Upshur considered the subject of a new ship for the lakes, however, he was aware that the British Navy had exceeded those limits in response to raids launched from American soil during the Canadian civil unrest of 1837-1839.

Therefore, he approved a ship that was four times the Rush-Bagot size limit and that carried up to eighteen cannon. By the time the *Michigan* was launched, tensions had eased and, bowing to British objections, the Michigan began her career with only one eight-inch cannon, mounted on a swivel at her bow, which fired fifty-one and a half pound shells or sixty-three and three-quarter pound solid shot. Even that one gun, combined with her speed, allowed the *Michigan* to dominate the Great Lakes. One historian has noted: "[N]o ship capable of catching the *Michigan* was powerful enough to harm it."[6]

As it turned out, the *Michigan* never fired a shot in anger and spent most of her career showing the flag in the far reaches of the lakes, carrying survey parties and assisting ships in distress. Each winter she returned to Erie where many of her crew had families and second jobs. Her involvement in the arrest of James J. Strang, was not, however, her only break in this peaceful routine.

Two years later, in 1853, the *Michigan* was assigned to stop massive thefts of timber from federal land along Lake Michigan. Her crew managed to capture several "timber pirates" who were then sent by rail to Detroit for trial before U.S. District Judge Ross Wilkins. Although they could not stop all of the piracy, the *Michigan* and her crew were sufficiently successful that one frustrated crew of pirates rammed her amidships in the dark of night with the largest propellor-driven steamer on the lakes. Unfortunately for the pirates, their ship's hull was made of wood, and it bounced off and limped away while the *Michigan*'s iron hull did not even spring a leak. The *Michigan* promptly turned and ran down her assailant, although the *Michigan*'s captain, thinking the collision was an accident, let the wooden ship sail on as best it could.

The events surrounding the arrest and trial of James Strang and his followers were not the *Michigan*'s only involvement with that group. She was moored to the dock at Beaver Island Harbor on June 16, 1856 when two fallen-away Strangites assassinated their "king." The killers surrendered to the captain of the *Michigan* who delivered them with the sheriff at Mackinaw Island, the nearest civil authority not controlled by Strang's men.



USS Michigan at anchor

During the first two years of the Civil War, the *Michigan* toured Great Lakes ports, enlisting four thousand sailors for the Union Navy. In the summer of 1863, rumors of Confederate plots to invade the North from Canada caused the Navy to increase the *Michigan*'s armament to fourteen cannon, including six powerful Parrott rifles. In October 1863, the Michigan was assigned to guard the Union prisoner-of-war camp on Johnson's Island just inside Sandusky Bay. While she was there, Confederate agents did make two attempts to seize her and release the prisoners, but neither attempt was successful, and no Confederate force ever came within range of her guns.

Ironically, the government often used the Michigan's armament and crew to intimidate its own citizens rather than British or Confederate invaders. During the Civil War, the *Michigan* was called upon to use her looming presence to prevent draft riots in Detroit, Milwaukee and Buffalo. Just after the war, in 1865, her crew helped put down armed strikes by iron and copper miners at Marquette and Houghton. A year later, she thwarted a raid into Canada by hundreds of members of the Fenian Brotherhood, Irish-Americans who planned to occupy part of Canada until Britain freed Ireland.

Although the *Michigan* arrived at the mouth of the Niagara River too late to stop the first wave of raiders, she was stationed in midstream to intercept any reinforcements and supplies heading to Canada. Largely as a result of this blockade, the invasion sputtered to a conclusion within forty-eight hours, with most of the survivors of the Fenian army on the *Michigan* under arrest.

The *Michigan* spent the rest of the 19th century in peaceful patrols of the Great Lakes. In 1905, the Navy renamed the still energetic paddle steamer the USS *Wolverine* so that a new battleship could be named *Michigan*. The *Wolverine* continued her recruiting and training cruises for the Navy until 1912 when she was assigned to the Pennsylvania Naval Militia for similar duty. A year later she had the honor of towing the restored *Niagara*, Oliver Hazard Perry's flagship at the Battle of Lake Erie, on a tour of the Great Lakes to celebrate the battle's centennial.

The *Michigan/Wolverine's* career ended in 1923 when a connecting rod in one of her steam engines snapped. The Navy decided that repair of those ancient engines was uneconomical, and for the next twenty-six years she was moored at Erie and at Presque Isle where she was neglected. Periodic attempts to raise money to restore her failed, and, in 1949, despite protests, she was scrapped. Only her iron prow remains today, on display at the Erie Maritime Museum.

The second USS *Michigan* was also a great technological advance for the Navy when she was commissioned in 1910. Unlike her predecessor, however, she had a short career. By 1924, advances in ship design and armament rendered her obsolete, and she was scrapped, twenty-five years before the first *Michigan* met that fate.[7] The third USS *Michigan* is a Trident nuclear missile submarine, the second of that class. Commissioned in September 1982, she remains on active service.[8] ■

Sources

1. According to her log, the *Michigan* left Detroit on Wednesday, May 21 at 3:15 p.m. and arrived at Mackinac at 3 p.m. on Friday, May 23. Captain Bullus hove to from 2 p.m. to 5:25 p.m. on Thursday and then from 6:15 p.m. on Thursday to 4:30 Friday morning. The log states that the *Michigan* was steaming at ten miles per hour in Lake Huron on Thursday morning. The *Michigan* left Mackinac at 8 p.m. on Friday and anchored in the harbor at Beaver Island at 2:20 a.m. on Saturday. Rough Log of the USS *Michigan*, Vol. 7, May 21-23, 1851, Record Group 24, National Archives and Records Admin., Washington, D.C.
2. Except where otherwise noted, the facts in this article are from Prof. Bradley A. Rodgers' *Guardian of the Great Lakes: The U.S. Paddle Frigate* Michigan (Ann Arbor, MI: University of Michigan Press, 1996).
3. *Statutes at Large* 5:460 (September 9, 1841).
4. During her trip north from Detroit to Mackinac Island on May 21-23, 1851, the *Michigan* covered about 310 miles in thirty-five hours of steaming, an average of almost 9 miles per hour.
5. The Rush-Bagot Agreement, *Statutes at Large* 8: 231 (April 8, 1818).
6. Rodgers, p. 5.
7. See http://www.history.navy.mil/.
8. See http://www.navy.michigan.mil/.

Author's Note

Mr. Chardavoyne is an attorney in private practice in Farmington Hills, Michigan, and a member of the Board of Trustees of the Historical Society for the United States District Court for the Eastern District of Michigan. Mr. Chardavoyne's book, *A Hanging in Detroit: Stephen Gifford Simmons and the Last Execution Under Michigan Law,* was published in the summer of 2003 by Wayne State University Press.

WANTED

The Society is endeavoring to acquire artifacts, memorabilia, photographs, literature or any other materials related to the history of the Court and its members. If any of our members, or others, have anything they would care to share with us, please contact the Acquisitions Committee at (313) 234-5049.

Passion, Power and Poetry: Gratz and Grutter

By Barbara Rom

The worst self inflicted wound on the Supreme Court – that is how an informational film shown by the Supreme Court of the United States describes the *Dred Scott* decision.[1] Seeing this film the day prior to the University of Michigan arguments, I could not help but wonder if another such wound would be visited upon the Court. These arguments represented the passion (thousands of thoughtful vocal polite citizens demonstrating outside the chambers), the power (a myriad of educational institutions, corporations, governmental bodies, and the military weighed in), and the poetry of law ("Their education is much more than the classroom. It's in the dorm, it's in the dining halls, it's in the coffee houses. It's in the daytime, it's in the nighttime. IT'S ALL THE TIME." – John Payton, counsel for the undergraduate case).

John Payton

Arriving at the Supreme Court Bar Members private entrance to the Court at 6 am, I was surprised to find myself 50th in line. I had expected many more lawyers would be straining to gain admission. I spied Wolfgang Hoppe at the 20th spot in line. He is retired and residing in Oregon after many distinguished years with Miller Canfield. He traveled across the nation in order to be ringside for what promised to be a landmark case. We all watched as Mr. Payton of Wilmer, Cutler and Pickering, arrived with John Pickering (himself a graduate of the U of M Law School), Lloyd Cutler and numerous other members of their firm. Quite quietly, a woman carrying her own briefcase slipped unobtrusively into the group and greeted President Mary Sue Coleman. It was Maureen Mahoney of Latham and Watkins, counsel for the Law School.

Maureen Mahoney

As the chamber filled, Jesse Jackson greeted one and all. Senator Carl Levin and former Mayor Dennis Archer, now of Dickinson Wright, found seats. Naturally, Lee Bollinger, now President of Columbia University and former President of U of M and former Dean of the Law School, and Jeffrey Lehman, current Dean of the Law School and soon to be President of Cornell University, were front and center. I could not identify the named Plaintiffs, Barbara Grutter, Jennifer Gratz, or Patrick Hamacher as present, but I assumed some or all of them were observing as well. Phil Kessler and Len Niehoff of Butzel Long and Marvin Krislov, all counsel for U of M made their way into the Courtroom. I spotted four of the regents of U of M in the crowd, S. Martin Taylor (accompanied by his wife, U.S. District Judge Anna Diggs Taylor), Olivia Maynard, Andrea Fisher Newman and Laurence Deitch. The latter two were actually sworn in by Chief Justice Rehnquist as members of the Supreme Court Bar (an honor you can achieve as well by applying and paying a onetime lifetime fee for admission which entitles you to special seating in the Courtroom at all oral arguments). I did spy U.S. District Judge Nancy Edmunds in the audience, but I missed seeing U.S. District Judges Patrick Duggan and Bernard Friedman, both of whom had an understandable interest in the outcome of the hearings.

William Rehnquist

When the arguments began, it only took moments before the Justices leaped into the fray peppering (a natural term for me) counsel with the thorniest issues right away.[2] Justice O'Connor remarked that, "A university or a law school is faced with a serious problem when it's one that gets thousands of application for just a few slots where it has to be selective." She went on to say that "a lot of factors go into it" and how could they be certain that Barbara Grutter would not have been rejected

Sandra Day O'Connor

for a number of other reasons. Again, Justice O'Connor observed that precedents have upheld the use of race in making certain selections and in certain contexts, for example, to remedy past discrimination.


Kirk Kolbo


David Souter

Predictably, Kirk Kolbo, counsel for the Plaintiffs, stayed on his key message that "race is impermissible because of the constitutional command of equality." He argued that the university is free to try to achieve experiential diversity or economic diversity, but not racial diversity. That prompted Justice Souter to jump in regarding economically disadvantaged students with the query, "Do you seriously believe that that would be anything but a surrogate to race? It would take the word race out of the categorization of the label that we put on it, but do you believe it would function in a different way but as a surreptitious approach to race?"


Antonin Scalia

Justice Scalia then pounced on the issue of whether the critical mass of minority students U of M was trying to achieve was really a surreptitious approach to a quota system. He asked Ms. Mahoney if 2 percent was critical mass. When she replied negatively, he continued his pursuit, "O.K. 4 percent? . . . Like 8, is 8 percent? . . . Now, does it stop being a quota because it's somewhere between 8 and 12, but is it a quota if it's 10?" She refused to be boxed in and claimed that a quota under precedents of the Court was a fixed number and that no fixed number was involved in the Law School admissions program.

Justice Kennedy inquired of Mr. Kolbo whether it was a cause for concern for deans or presidents of universities, or governors, that minority students are underrepresented by a large factor.


Anthony Kennedy

When Mr. Kolbo replied negatively, Justice Kennedy pressed him with a tone of incredulity observing, "Well, it's a broad social and political concern that there are not adequate members of – of the profession which is designed to protect our rights and to – and to promote progress. I would – I should think that's a very legitimate concern on the part of the State."

Justice Scalia led the charge with respect to whether U of M had created its own problem by setting high or elite standards to begin with. Other justices joined in wondering if the solution was merely to lower the admissions requirements for everyone and thereby produce better admissions numbers among minorities. Justice Scalia noted U of M was one of the few public institutions of higher learning that had extremely high admission standards. Perhaps, he mused, that is why it finds itself unable to admit a critical mass of minorities without preferences.


Ruth Bader Ginsburg

Justice Ginsburg commented that Mr. Kolbo's position if adopted would affect the realm of employment, not just education. He responded that " . . . this amorphous, ill-defined, unlimited interest in diversity is not a compelling interest." Justice Stevens, joined by Justices Ginsburg, Breyer and Souter, raised a line of questioning ffor Solicitor General Ted Olson that focused on military concerns. Certain retired military officers had filed a brief indicating the need for racial preference admissions in military academies to avoid predominantly white officers leading predominantly minority soldiers.


John Stevens


Stephen Breyer

Ted Olson

Mr. Olson told the court that the position of the US is that " . . . we do not accept the proposition that black soldiers will only fight for black officers." Justice Souter echoed a number of concerns of other justices when he noted, with respect to military academies, that ". . . without the kind of – of racial weighting and admissions that is given now, they simply will not reach a . . . substantial number of or be able to attain a substantial number of minority slots in the class." No doubt the current conflict overseas raised the level of concern on this issue.

Clarence Thomas

Just as the two hours of arguments were coming to a conclusion, for the first time during the course of the hearings, Justice Thomas spoke. He wanted Mr. Payton to acknowledge that the elite nature of the University created tension in achieving diversity. Mr. Payton replied that nonselective schools can end up with completely undiverse populations as well.

Passion outside the chambers. Power inside the chambers. Poetry – we await the opinions of the Court. ■

Sources

1. For more information concerning the *Dred Scott* case see the St. Louis Circuit Court Historical Records Project at http://www.stlcourtrecords.wustl.edu. There you will find the Freedom Suit Case Files which include 300 petitions for freedom filed between 1814 and 1860. You will be able to view the actual handwritten pleadings filed in 1846 by Dred Scott and his wife Harriet, in the case entitled "Scott, Dred, a man of color v. Emerson, Irene." The St. Louis Circuit Court granted freedom to the Scotts, but a series of appeals by both parties brought the case before the U.S. Supreme Court in 1857. The Supreme Court's decision held that the Scotts were and should remain slaves because the United States Constitution did not recognize slaves as citizens. Also included in the group of cases is the case of *Winny v Phoebie Whitesides* which is significant for the reason that it was the first freedom suit appealed to the Missouri Supreme Court and established the precedent of freeing slaves who had resided in a free territory or state. Winny argued that because the Whitesides had taken her and her family from North Carolina into Illinois before coming to St. Louis, she should be free. On February 13, 1822, a jury agreed and declared Winny and her family free persons. The defendant appealed the case to the Missouri Supreme Court which upheld the verdict, based on the terms of the Northwest Ordinance.
2. See http://www.oyez.org/oyez/frontpage for the U.S. Supreme Court Multimedia Project. Once there, click on "Cases" which will take you to a directory sorted by subject. Click on "Most Popular Cases" where you will find a listing including both the *Grutter* and *Gratz* cases. There you will find an abstract and links to various news articles about the case, the written opinion, the transcript of the oral argument, the oral argument itself in an MP3 file and a discussion forum.

Author's Note

Barbara Rom is a partner in Pepper Hamilton LLP who serves on the Board of Trustees of the Historical Society for the Eastern District of Michigan. She is an invited member of the American College of Bankruptcy and certified as a Business Bankruptcy Specialist by the American Board of Certification. She also served as Chair of the Law School Fund for the University of Michigan Law School and sits on its Committee of Visitors.

United States Supreme Court

The Opinion: An Epilogue

As everyone now knows the *Gratz* and *Grutter* cases were decided on June 23, 2003. The issue in both cases was whether the use of racial preferences violated the Equal Protection Clause of the Fourteenth Amendment or Title VI of the Civil Rights Act of 1964. The *Gratz* case involved undergraduate admissions. The court ruled, in a six-three decision delivered by Chief Justice Rehnquist, that the Equal Protection Clause and Title VI were violated. Even though the court said that in certain circumstances diversity could constitute a compelling state interest, it reasoned that the automatic assignment of 20 points, or one-fifth the points needed to guarantee admission, to a minority applicant based solely on race was not narrowly tailored and did not provide the individualized consideration contemplated in the *Baake* case. In the *Grutter* case, a five-four decision delivered by Justice O'Connor, the court held that the Equal Protection Clause did not prohibit the Law School's narrowly tailored use of race in admissions decisions. The court reasoned that because there was individualized review of each applicant, admissions decisions were not based automatically on a variable such as race. Therefore, the process insured that all factors contributing to diversity received meaningful consideration.

While John Payton's poetry may not have succeeded in the undergraduate case, it may have provoked an effort on the part of the Justices to recite some of their own "poetry of the law." Justice O'Connor said, "We take the Law School at its word that it would 'like nothing better to find a race-neutral admissions formula' and will terminate its race-conscious admissions program as soon as practicable." Chief Justice Rehnquist and Justice Kennedy applied mathematics more than poetry in their dissents, but Justice Kennedy did add that their opinions demonstrated "beyond question why the concept of critical mass is a delusion used by the Law School to mask its attempt to make race an automatic factor in most instances and to achieve numerical goals indistinguishable from quotas." Justice Scalia was skeptical of the "educational benefit" that the University sought to achieve through diversity. He said, "This is not, of course, an 'educational benefit' on which students will be graded on their Law School transcript (Works and Plays Well with Others: B+) or tested by the bar examiners (Q: Describe in 500 words or less your cross-racial understanding). For it is a lesson of life rather than law – essentially the same lesson taught to (or rather learned by, for it cannot be 'taught' in the usual sense) people 3 feet shorter and 20 years younger than the full grown adults at the University of Michigan Law School, in institutions ranging from Boy Scout troops to public school kindergartens."

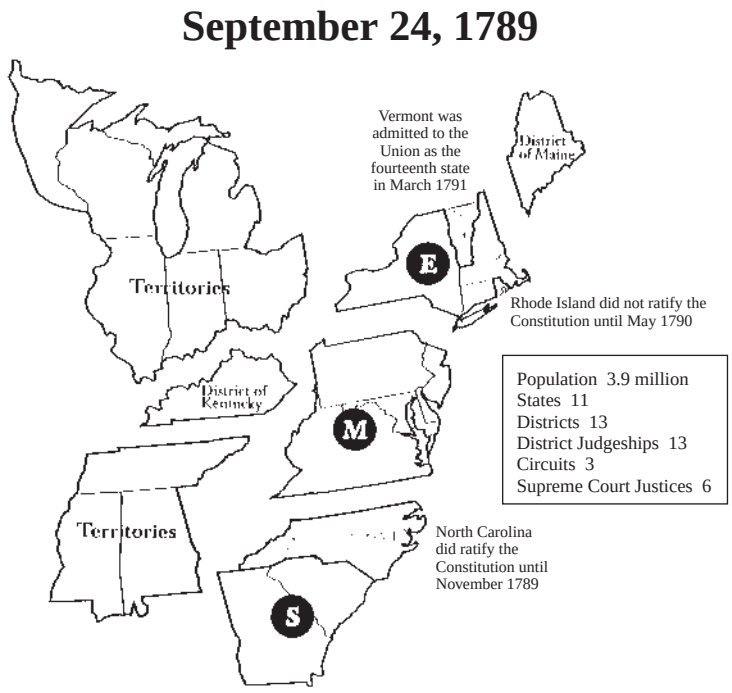
Justice Thomas, in his dissent, was even more poetic. He quoted Frederick Douglass from a speech delivered to a group of abolitionists almost 140 years ago. He said the message was lost on the Justices in the majority. Mr. Douglass had said:

> What I ask for the [N]egro is not benevolence, not pity, not sympathy, but simply *justice* . . . Do nothing with us! Your doing with us has already played the mischief with us. Do nothing with us! If the apples will not remain on the tree of their own strength, if they are worm-eaten at the core, if they are early ripe and disposed to fall, let them fall! . . . And if the [N]egro cannot stand on his own legs, let him fall also. All I ask is, give him a chance to stand on his own legs! Let him alone! ■

U.S. District Courts and the Federal Judiciary: A Summary

This is the first in a series of articles about the federal judicial system and the creation of the Eastern and Western District Courts in the State of Michigan. This article provides a historical summary of the courts, and outlines the context in which they were established. Future articles will discuss the Judiciary Act, the provisions of the Judiciary Act, the Evarts Act and the major reorganization that occurred during the late 1800's.

In its plan for the federal judiciary, the Congress in 1789 divided the nation into thirteen judicial districts that served as the basic organizational units of the federal courts. ln each district, a U.S. district court served as the federal trial court for admiralty and maritime cases as well as for some minor civil and criminal cases. Congress authorized the district judge to appoint a clerk in each district to assist in the administration of the district and circuit courts, and authorized the president to appoint in each district a marshal and federal prosecutor, then called a "district attorney." The court's jurisdiction was limited to cases arising within the district, and the judges were required to reside in their districts. The original districts outlined by Congress coincided with the borders of the eleven states that had ratified the Constitution, with separate districts for Maine and Kentucky, which were still a part of Massachusetts and Virginia, respectively.



The First Judiciary Act created thirteen districts and placed eleven of them in three circuits: The Eastern, Middle, and Southern.

A circuit court also met in each district of the circuit and was composed of the district judge and two Supreme Court Justices. The circuit courts exercised primarily diversity and criminal jurisdiction, and heard appeals from the district courts in some cases.

In the early years of the federal government, caseload in the district courts depended largely on the volume of admiralty suits in the region, and some courts heard few cases. District judges also served on the U.S. circuit court that met in each judicial district, and for much of the nineteenth century, district judges were likely to devote more time to their duties on the U.S. circuit courts than to the business of the U.S. district courts. Gradually over the nineteenth century, Congress expanded the jurisdiction of the district courts, especially in the area of non-capital criminal cases.

In the original districts of Maine and Kentucky and in many new states during the nineteenth century, the U.S. district court also exercised the jurisdiction of the U.S. circuit courts until such time that the district was incorporated into a judicial circuit. Appeals from such courts generally went to the Supreme Court and occasionally to the circuit court in another district within the state. Only in 1889 did Congress finally provide a circuit court for every judicial district in the nation and thus end this expanded jurisdiction of certain district courts. In the Judicial Code of 1911, Congress abolished the U.S. circuit courts and made the U.S. district courts the sole trial courts of the federal judiciary.

Until 1891, when Congress first provided a uniform salary for district judges, compensation varied from district to district according to Congress's estimation of the amount of business expected to come before the court.

As new states entered the union, Congress created additional district courts that in their geographical outline remained within state boundaries, with two negligible exceptions. As early as the 1790s Congress divided some states into multiple districts, each with court staff and separate records of proceedings. Frequently, a single judge served more than one district within a state. The U.S. District Court for New York in 1812 became the first in the nation with two judgeships, but in 1814 Congress divided the state into two judicial districts, each with a single judge. Congress did not create another permanent second judgeship for a district court until 1903 when it authorized an additional judgeship for the Southern District of New York. Today there are 91 U.S. district courts in the states, the District of Columbia, and Puerto Rico with a total of 663 district judgeships. ■

Author's Note

A major portion of the text is taken from the Federal Judicial Center publication, "Creating the Federal Judicial System," written by Russell R. Wheeler and Cynthia Harrison. The original publication was undertaken in furtherance of the Center's statutory mission to develop and conduct educational programs. The views expressed in the article are those of the authors and not necessarily those of the Federal Judicial Center, however.

Annual Meeting and Case Panel Presentation

Do not forget to mark your calendar for November 18, 2003, at 11:30 a.m. That is the date and time for our Annual Meeting at the Hotel Pontchartrain in conjunction with the FBA Edward H. Rakow Awards Luncheon. Tickets are available through the FBA, $25 for FBA members and $30 for non-members. To make reservations or for more information, please contact Julia Blakeslee at (248) 855-6729 or jfblakeslee@yahoo.com. Reservations must be made by November 7, 2003. The program will include a discussion of what has become known as the "Keith Case." The case resulted from the September 1968 dynamite bombing of a CIA recruitment office located in Ann Arbor and addressed the contours of Presidential authority to protect national security under the Omnibus Crime Control and Safe Streets Act. The defendants included John Sinclair and "Pun" Plamondon. The participants in the discussion will include Judge Feikens, as the moderator, and Judges Damon Keith and Ralph Guy, and Leonard Weinglass, who were participants in the original proceedings. As with previous programs you will find the topic very interesting and the speakers extremely entertaining.

The same afternoon, from 4:00 p.m. to 5:30 p.m., at the Wayne State University Law School auditorium, Professor Robert Sedler will moderate a symposium on the same case involving the same participants, as well as Hugh Davis, and additional actors from the original drama. The afternoon session will be a more in depth review and historical analysis of the import of the case. The program is free and open to all. There is a reception following and parking is available across from the auditorium.

Founder Judith Christie Retires from Day Job

The invitation read: "You are cordially invited to attend a celebration honoring Administrative Manager Judy Christie upon her retirement following twenty-two years of exceptional service." It took place on April 29, 2003, and was attended by more than 100 judges, fellow court employees, lawyers and Christie family members. Jeff Colby organized the gala and produced a short video chronicling the fond remembrances of the judges and court personnel about the many contributions made by Judy to the operation of the court. Judge Friedman was the master of ceremonies. Judge Cohn, Dave Weaver and Mary Miers, as well as representatives of the Detroit Historical Society, made presentations.

For those who do not know, Judy was one of the founders and signers to the original declaration creating the court Historical Society. Her efforts with the archives, the judge's papers, the oral histories, the museum space, the Court Legacy and many other projects were instrumental in insuring their success. To the great delight of the Society she will be continuing with a more active oral history program, now in video, as well as her many other volunteer projects. ■

Top photo: Judy and Dave Weaver

Middle photo: Judy and Judge Friedman

Left to right: Judge Feikens, Judge Cohn, Dave Weaver, Judge Keith, Judy, Judge Borman and Judge Friedman

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