The Court Legacy

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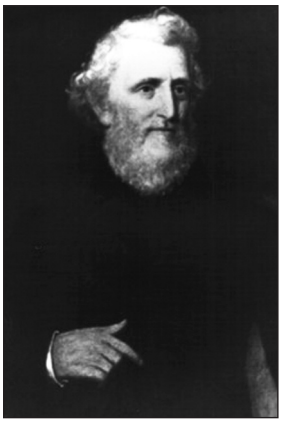
U.S. Supreme Court Review of Cases Originating in the District of Michigan: 1836 to 1863

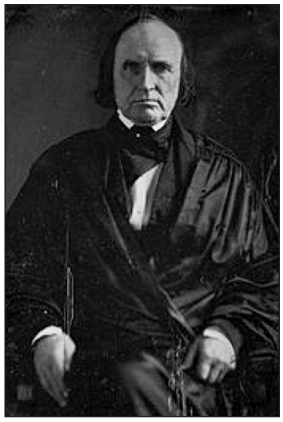
By David A. Gardey[1]



Ross Wilkins,
United States District
Judge, 1837-1870

Before Congress created the Eastern District of Michigan on February 24, 1863, all of Michigan had been in one federal district with one United States District Judge, the Honorable Ross Wilkins. Federal cases were heard either by Judge Wilkins in the District Court or by a visiting U.S. Supreme Court Justice in the Circuit Court for the District of Michigan. From the creation of the District of Michigan on July 1, 1836, until the creation of the Eastern District twenty-seven years later, there were nineteen reported decisions of the United States Supreme Court that originated in the federal Circuit or District court of Michigan. An examination of these cases provides insight into the early federal docket and the legal battles taking place in Michigan in the mid-nineteenth century. They paint an historical portrait of a young sovereignty developing its first industries of mining, lumber, and railroads, while still beleaguered by property disputes stemming back to the French and Indian War. While some of the cases are interesting from a purely historical perspective, two others are significant as to the scope of the Supreme Court's power, holding that Congress can limit the jurisdiction of federal courts and that federal courts must yield to the highest state court in interpreting state statutes. The precedential value of these cases remains alive today.

Before examining some of the Michigan federal cases that reached the Supreme Court, it is helpful to outline the court system then put in place by Congress. The District Court established in Michigan in July 1836 had jurisdiction over admiralty and maritime cases, as well as minor civil and petty criminal cases.[2] Judge Wilkins was responsible for these cases. Above the District Court, Congress established the Circuit Court of the United States for the District of Michigan. The Circuit Court had jurisdiction over diversity cases and major criminal cases. In addition, the Circuit Court heard appeals from the District Court. The Circuit Court consisted of at least one Supreme Court Justice, literally riding circuit to Michigan, and the District Judge, Judge Wilkins. The Circuit Justice assigned to Michigan in the mid-nineteenth century was Justice John McLean, who served on the Supreme Court from 1829 to 1861.[3] Appeals from the Circuit Court would then go to the Supreme Court. Several of the appeals that the Supreme Court heard during this era resulted when Justice McLean and Judge Wilkins could not agree on a result in the Circuit Court. At the time, it was the practice that the Justice who was assigned to the Circuit Court would recuse himself on appeals from his Circuit Court unless there was a split vote.[4] By Act of Congress, District Judges could not vote in the Circuit Court in reviewing an appeal of their own decisions from the District Court.[5]



John McLean,
United States Supreme
Court Justice, 1829-1861

The District and Circuit Courts in Michigan had several appointed officials to assist in their duties.[6] After Michigan became a state, Commissioners for United States Courts were appointed by the Circuit Court, and their term was for life. Their work appears to be similar to the Magistrate Judges of today. The Commissioners' duties included conducting hearings and taking testimony as referred by either the Circuit or District Court.

THE COURT LEGACY
John P. Mayer, Editor
M. Ellen Dennis, Assistant Editor

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The testimony taken would have the same force as testimony taken in the courts, and the Commissioners were used in order to lessen the burden on the judges. The parties to any case could jointly select the Commissioner before whom testimony would be taken. After Michigan became a state, the District and Circuit Courts also appointed Masters in Chancery to assist in the chancery work.

The earliest reported decision from the District of Michigan that reached the Supreme Court was the 1845 case of *Charles Carroll v. Orrin Safford (Treasurer of Genesee County)*.[7] After the plaintiff, Charles Carroll, bought 3,549.71 acres of federal land in 1836 for $7,500, the Treasurer of Genesee County seized and sold the land after Carroll failed to pay taxes before he received his land patent from the United States in 1837. The Supreme Court held against Carroll, finding that he owed the state taxes on the land from the date he purchased it, even before he received his patent from the United States.

The 1849 decision in *Jonathan Nesmith v. Thomas Sheldon*,[8] presented a more important issue of the power of the U.S. Supreme Court in relation to state courts. In *Nesmith,* the issue of law involved the establishment of banking associations by the Michigan Legislature. This issue had already been addressed and decided in a separate case that had reached the Michigan Supreme Court. Before the U.S. Supreme Court, counsel for the plaintiff argued that it would be wrong for the U.S. Supreme Court to "presume that the State courts are infallible, and their decisions an unerring exposition of the State statute, and shut their eyes entirely to the terms and provisions of the statute, and refuse to inquire whether the decision of a State court is a fair explanatory law." In fact, counsel argued that the "national courts, which were created to protect the rights of citizens of other States," should not "allow their suitors to be wronged and defrauded in like manner." In other words, counsel was calling for the U.S. Supreme Court to protect citizens from another state harmed as a result of an incorrect, and possibly biased, interpretation of state law by the Michigan Supreme Court that benefitted Michigan citizens. In response, counsel for the defendant argued that were the U.S. Supreme Court to contradict the Michigan Supreme Court, it "is plain that the consequences would be most disastrous," creating multiple versions of state law depending on the venue, and give non-residents the right to collect on obligations, while state residents were barred from collecting based on the decisions of the state courts.

Roger B. Taney, Chief Justice of the United States, 1836-1864

Defense counsel argued that "It is difficult to imagine a case in which a disagreement between the federal tribunals and the State judicatories would be more alarming or mischievous."

The Supreme Court, with Chief Justice Roger Taney writing for the Court, held that since the Michigan Supreme Court had already ruled on the issue, "it is the established doctrine of this court, that it adopt and follow the decisions of the State courts in the construction of their own constitution and statutes, when that construction has been settled by the decision of its highest judicial tribunal." Given the prior decision of the state court, the issue "cannot be considered as open for argument in this court." Thus, the Supreme Court would not seek to interfere with or undermine the interpretation of state law by the highest state court.

The decision in *Nesmith* was somewhat contradicted by the later decision in *William Pease v. John Peck* from 1855.[9] In *Pease*, the outcome of this diversity lawsuit seeking to recover on a debt depended on the interpretation of Michigan's statute of limitations. In a separate case, the Michigan Supreme Court had reached a different outcome than the federal Circuit Court in Michigan. In deciding not to follow the state law interpretation of Michigan's highest court, the Supreme Court stated that, "We entertain the highest respect for that learned court, and in any question affecting the construction of their own laws, where we entertained any doubt, would be glad to be relieved from doubt and responsibility by reposing on their decision." The Court also cited its prior precedents requiring it to follow the state courts' construction of their own laws. The Court noted, however, an exception where a United States Circuit Court had already ruled on an issue of state law before the state supreme court had addressed it. In that case, the Supreme Court was bound to follow the decision of the Circuit Court. The Court also noted that state courts "might not be impartial between their own citizens and foreigners," and that based on the Constitution, parties "have a right to demand the unbiased judgment of the court." Because following state law would destroy the "vested rights of property of citizens of other States, while it protects the citizens of Michigan from the payment of admitted debts," the Court decided that the case "peculiarly calls upon us not to surrender our clear convictions and unbiased judgment to the authority of the new state decision."

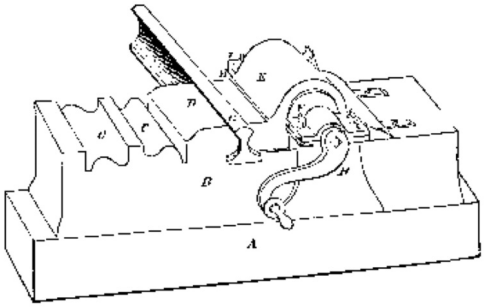
The power of Congress to limit the jurisdiction of federal courts was demonstrated by the decision in *Thomas Sheldon v. William Sill*.[10] *Sheldon* was brought as a diversity case in the Circuit Court in Michigan by a New York plaintiff against Michigan defendants for recovery on a mortgage. The Circuit Court held in favor of the plaintiff and rejected the defendants' claim that the court lacked jurisdiction because an assignment of a mortgage cannot create diversity under a strict reading of the Congressional statute. Before the Supreme Court, counsel for the New York plaintiff argued that under the Constitution, the judicial power of United States courts extended to all controversies between citizens of different states. Since the case involved a controversy between citizens of different states, then there was jurisdiction. It would be unconstitutional for Congress to limit the diversity jurisdiction of the court. This is because "citizens of the different states have the right to have that power exercised in their controversies." The Supreme Court rejected this argument, reversed the Circuit Court for Michigan, and dismissed for lack of jurisdiction. Under the Act of Congress, the mortgage assignment at issue did not qualify as a diversity case supporting federal court jurisdiction. Since "Congress may withhold from any court of its creation jurisdiction of any enumerated controversies," the Circuit Court had no jurisdiction to consider the case. Justice Robert Grier stated that, "Courts created by statute can have no jurisdiction but such as the statute confers." The Court's decision in *Sheldon* has since been widely cited to uphold the principle that Congress can limit the jurisdiction of federal courts through legislation.

Thomas Sheldon played a role as a litigant in two of the Michigan cases argued before the Supreme Court. In *Jonathan Nesmith v. Thomas Sheldon*, discussed above, Sheldon was one of the shareholders of the Detroit City Bank, which had been formed under Michigan law, who were sued by creditors of the bank. The Supreme Court's decision shielded Sheldon from liability under a state law that had held shareholders liable for certain debts of the banking association, because the law was found to violate the state constitution. In *Thomas Sheldon v. William Sill*, Sheldon, along with his wife Eleanor, had been sued again in the federal Circuit Court for the District

of Michigan for recovery on a mortgage with the Bank of Michigan that Sheldon and his wife had executed on some land in Michigan. Sheldon was successful again in this second case when the Supreme Court found that it lacked jurisdiction over the suit against him. Born in Herkimer County, New York, in his earlier days, Sheldon had been a sutler for the U.S. Army during the War of 1812, when he worked in Sackett's Harbor, New York and Mackinaw. After the war, Sheldon moved to Detroit where he became a businessman until being appointed the Receiver of Public Moneys in the Land Office in Michigan. Sheldon also was known for being one of the original proprietors of Kalamazoo.[11]

The first reported criminal case to reach the Supreme Court from a Michigan federal court was the 1850 case of *United States v. Ephraim Briggs*.[12] The defendant, Ephraim Briggs, chopped down some trees on federal land near Wyandotte, Michigan. Briggs had cut down twenty white oak trees and twenty hickory trees. A grand jury in Michigan then indicted Briggs for violating a federal law prohibiting the cutting of timber on federal land. Briggs was convicted following a jury trial in the Circuit Court for Michigan. The defendant argued that since the act of Congress creating the federal criminal charge specified that "live oak" trees were not to be cut on federal land, that the defendant's act in chopping down trees other than live oaks did not violate federal criminal law. In enacting this criminal law, Congress was acting to protect a crucial resource needed by the U.S. Navy. In constructing naval vessels, wood from live oak trees was far preferred over other timber because of its great strength and density. In fact, the U.S. Navy frigate Constitution was built with wood from southern live oak trees. Because of the great strength of this wood, and the fact that British cannonballs were seen to simply bounce off the sides of the U.S.S. Constitution, the ship was nicknamed "Old Ironsides." Thus, Congress acted to protect this very hard wood from being harvested from federal lands on national security grounds. The case was argued before the Supreme Court by Attorney General, Reverdy Johnson, who had been appointed by President Zachary Taylor in 1849.

Reverdy Johnson, United States Attorney General, 1849-1850



This is the machine used to refurbish worn railroad rails in the patent dispute at the center of *Turrill v. Michigan Southern & C., Railroad Co.,* 68 U.S. 491, 1 Wall. 491 (1863)

Mr. Briggs' defense attorney did not appear to argue the case before the Justices. In reviewing the criminal case, however, the Supreme Court read the law very broadly, pointing to language in the statute that referred to "other timber." In this way, it was decided that even though Mr. Briggs had not chopped down any live oaks, he had still committed a federal crime by cutting down the hickory and white oak trees.

The kinds of cases that originated in Michigan and reached the Supreme Court in the 1840s and 1850s illustrate the times and the economy of Michigan during this period. For example, three opinions in the Supreme Court all concern two related cases that began in the District of Michigan as a land dispute over copper mining in the Upper Peninsula. The National Mining Company, formed by the Michigan Legislature, was locked in a dispute with the Minnesota Mining Company. Former Attorney General Reverdy Johnson made another appearance in the Supreme Court in a Michigan case when he was enlisted by the Minnesota Mining Company to argue its case before the Supreme Court.[13] A maritime case involving the steamship "The Detroit," also reached the Supreme Court. The case had been dismissed by Judge Wilkins of the District Court because it was not a true admiralty dispute, but was instead a partnership fight about shipping goods between Sault Ste. Marie and Penetanguishene, Ontario in the southeastern tip of Georgian Bay.[14] The development of the railroads in Michigan and the Midwest was the basis of another case where a Michigan corporation sought to extend its rail lines into Northern Indiana, and then on to Chicago.[15] The Supreme Court also dealt with a patent case involving an invention used to refurbish worn railroad rails.[16]

As noted, attorney Reverdy Johnson argued two of the Michigan cases that reached the Supreme Court during this period. Johnson is probably more infamously remembered as the attorney who

represented the slave-owning defendant in the 1857 case of *Dred Scott v. Sandford*. Before becoming Attorney General in 1849, Johnson had been a U.S. Senator from Maryland. Although Johnson defended the slave holder in *Dred Scott*, it is said that he was personally opposed to slavery. In addition, he redeemed himself to a certain degree by being credited as an important figure in helping to keep Maryland from seceding from the Union in 1861. After the Civil War, Johnson defended Mary Surratt, who was convicted and executed in 1865 before a military tribunal for plotting the assassination of President Lincoln.

Michigan's vast lumber business set the scene for the case of *Leonard v. Davis*,[17] where a Muskegon lumber company was sued in the Circuit Court for Michigan for failing to pay for 700,000 feet of saw-logs. In deciding the case, the Supreme Court had to sift through the customs and practices of the Michigan lumber business, wherein logs were cut and then marked by the company that cut them down for transport down rivers for further collection and processing. Each lumber company would place a special mark or brand on the logs that it had cut down during the winter season. In the spring, all of the logs from all of the different lumber companies were brought down the river together in a mass to a lake where the logs were held in place by a common boom. The logs could then be separated and identified by their brands. After being separated by owner, the logs would be formed into rafts for further transport to the mills.

Another criminal case, *United States v. Holliday,*[18] involved a defendant indicted by a grand jury and convicted in Detroit for selling liquor to Otibsko, a Chippewa Indian from Gratiot County. Among other things, the defendant argued that since the tribe had been effectively dissolved, and since Congress could only regulate commerce with "Indian tribes" under the Constitution, it would be unconstitutional to apply this statute to the defendant's sale of liquor to a member of a no-longer-existing tribe. The defense also claimed that the law did not apply because Otibsko voted and owned property and thus was not really among the class of Indians meant to be covered by the law. The Supreme Court upheld the conviction, however, finding that since Otibsko was under the charge of an Indian agent, received an annuity by virtue of his status as an Indian and because of a treaty, and that he lived with other Indians, the law as applied to Otibsko fell within the power of Congress to regulate commerce between a citizen and an Indian.

The Chevalier
Louis de Repentigny

The final Supreme Court case that originated in Michigan federal court before the creation of the Eastern District reached all the way back to the French and Indian War and a property claim dating to 1750 and to a French Chevalier. In *United States v. Chevalier de Repentigny,*[19] the plaintiffs claimed ownership of the better part of Sault Ste. Marie, Michigan. Despite the age of the claim and the disruption that would have been caused, Judge Wilkins of the District of Michigan ruled in favor of the descendants and assigns of the Frenchmen who received the grant of land back in 1750. Fortunately for the United States, the property owners of Sault Ste. Marie, and the city's residents, the Supreme Court reversed Judge Wilkins and dismissed the claims of the descendants of the Chevalier. Back in 1750, the Chevalier de Repentigny had built a stockade fort at Sault Ste. Marie, along with three or four huts to be used by laborers working on the fort. Repentigny's men also cleared a few acres of land in the surrounding area. In October 1750, the Governor-Intendant of New France granted land at Sault Ste. Marie to Count de Repentigny, an Ensign in the French Army, and to another officer, Captain of Infantry Louis de Bonne de Missègle. The land grant was confirmed the following year by the King of France. The grant included 335 square miles encompassing 214,000 acres of land. Once the French and Indian War began in 1754, Repentigny was called away from Sault St. Marie to fight. Captain Bonne had never even visited any of the land granted to him.

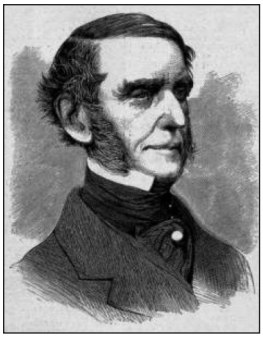
Louis XV, King of France

In 1760, the province of New France was surrendered to the British following General Wolfe's capture of Quebec. In 1763, France and Britain entered into a treaty ending the French and Indian War, which was known as the Seven Year's War in Europe, with France formally giving its claim to New France, including Sault St. Marie, to Britain. Under the terms of the law of nations and the treaty, individuals in New France who stayed in the territory after it was controlled by Britain could retain their property rights. In this case, however, Repentigny left New France and became a

Major General in the French Army, eventually becoming the Governor of Senegal, and dying in 1786. Captain de Bonne was killed by an English artillery shell in a trench below the walls of Quebec in 1760. De Bonne's son, Pierre-Amable de Bonne, born in 1758, stayed in Canada and eventually became the Attorney General of Canada. De Bonne's son sold his ownership of the land to an American in 1796, who then sold his rights to an Irish gentleman.

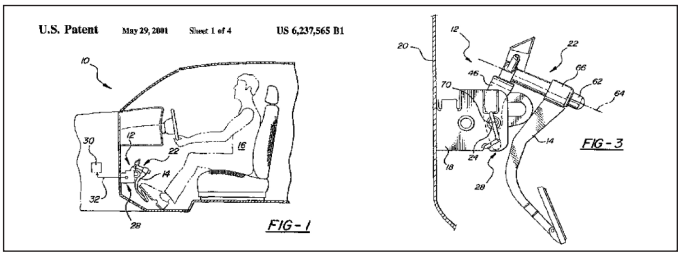
Descendants of de Repentigny and of the assigns of de Bonne eventually began lobbying and agitating in Congress to recover their 214,000 acres of land in Michigan. Their lobbying efforts proved very successful, as they convinced Congress to pass a special law on April 19, 1860 allowing the legal representatives of the original grantees of the land from 1750 to petition for recovery in the District Court of Michigan. Surprisingly, the descendants and assignees of Repentigny and Bonne won in the District Court in Michigan, thereby putting a cloud over the ownership of Sault St. Marie and the surrounding area. The case was argued in the Supreme Court for the United States by Attorney General Henry Stanbery and Alfred Russell, the U.S. Attorney in Michigan.

In a victory for settled property rights, the Supreme Court reversed the decision of the District Court and held for the United States. The Court found that de Repentigny had given up any claim to the land by leaving Canada after the war, thereby failing to maintain his claim under the treaty of 1763. With reference to de Bonne, he had never improved or occupied the property, and he had done nothing to maintain his claim until the Michigan territory learned of the claims of his assigns in 1825. In 1859, the Supreme Court had rejected a similar claim based on a 1745 concession by the French government of land in Detroit. Twenty-one descendants of John Beaubien had sued 127 property owners in Detroit based on the 1745 claim. The Supreme Court upheld the Circuit Court's rejection of the suit based on the statute of limitations.[20]



Henry Stanbery, United States Attorney General, 1866-1868

Attorney General Henry Stanbery, who argued the *Chevalier de Repentigny* case for the United States, had been appointed by President Andrew Johnson in 1866. While serving as Attorney General, Stanbery was nominated to the Supreme Court by President Johnson, but the Senate reduced the number of Justices in order to deny Johnson the opportunity, thus barring his appointment. Stanbery later resigned in 1868 in order to defend President Johnson during the impeachment proceedings brought against him. After the conclusion of the impeachment trial, President Johnson nominated Stanbery to serve again as Attorney General, but the Senate would not confirm him.



This drawing depicts the patent on an adjustable pedal at issue in *KSR Int'l Co. v. Teleflex, Inc.,* 550 U.S. 398 (2007).

The federal cases from Michigan that reached the Supreme Court from 1836 through 1863 provide a glimpse of life in Michigan during the period and of federal court practice. Thus, the criminal cases ranged from selling liquor to Indians and chopping down wood needed for building navy ships, and the civil cases included issues involving railroads, copper mining, lumber, and land grants from the French King. A look at the Michigan federal cases that reached the Supreme Court in the last forty years provides a similar glimpse into the economy and issues facing our times. Instead of railroads and Indians in the days leading up to a Civil War over slavery, the cases of our times include reverse discrimination suits brought by white students against the University of Michigan,[21] a crack cocaine trafficking case,[22] patent cases involving automobile parts,[23] the warrantless wiretapping of radicals intent on blowing up the nation's intelligence agency,[24] a lawsuit between telecommunications companies about state regulations,[25] environmental wetlands litigation,[26] and the busing of school children in an attempt to achieve a certain racial balance.[27] The more recent Michigan federal cases to reach the Supreme Court have had far reaching and significant

White Panthers Lawrence "Pun" Plamondon and John Sinclair (at left and center), defendants in *United States v. Lawrence Plamondon and John Sinclair,* 407 U.S. 297 (1972).

effects compared to some of the cases from the mid-nineteenth century. However, the older cases do paint a picture of a vibrant and growing state, no longer a colonial backwater, and they began setting the framework for the power and jurisdiction of federal courts. ■

End Notes

1. Mr. Gardey has been an Assistant United States Attorney assigned to the Detroit Office since 2005. He was an AUSA in Miami in the Southern District of Florida from 2001 through 2005. From 1993 through 1995, Mr. Gardey served as a law clerk to Hon. Paul V. Gadola, when Judge Gadola was assigned to Detroit. The author thanks Hon. Avern Cohn for suggesting the subject of this article and providing guidance regarding its contents.
2. Russell Wheeler and Cynthia Harrison, "U.S. District Courts and the Federal Judiciary: A Summary," *The Court Legacy* (Vol. XI, September 2003).
3. Len Niehoff, "When the Supreme Court Came to Michigan," *The Court Legacy* (Vol. XVII, September 2010).
4. Russell Wheeler and Cynthia Harrison, "U.S. District Courts and the Federal Judiciary: A Summary," *The Court Legacy* (Vol. XII, February 2004).
5. *Id.*
6. Silas Farmer, *History of Detroit and Wayne County and Early Michigan* (1884).
7. 44 U.S. 441, 3 How. 441 (1845).
8. 48 U.S. 812, 7 How. 812 (1849).
9. 59 U.S. 595, 18 How. 595 (1855).
10. 49 U.S. 441, 8 How. 441 (1850).
11. *Report of the Pioneer Society of the State of Michigan, Michigan Historical Collections,* Volume 5 (Michigan State Historical Commission) (1884).
12. 50 U.S. 351, 9 How. 351 (1850).
13. *See James Cooper v. Enoch Roberts,* 59 U.S. 173, 18 How. 173 (1855); *Enoch Roberts v. James Cooper,* 60 U.S. 373, 19 How. 373 (1856); *Enoch Roberts v. James Cooper,* 61 U.S. 467, 20 How. 467 (1857).
14. *Eber Ward v. Charles Thompson,* 63 U.S. 330, 22 How. 330 (1859) (The Steamboat Detroit).
15. *Northern Indiana Railroad Co. v. Michigan Central Railroad Co.,* 56 U.S. 233, 15 How. 233 (1853).
16. *Turrill v. Michigan Southern & C., Railroad Co.,* 68 U.S. 491, 1 Wall. 491 (1863).
17. 66 U.S. 476, 1 Black 476 (1861).
18. 70 U.S. 407, 3 Wall. 407 (1865).
19. 72 U.S. 211, 5 Wall. 211 (1866).
20. *John Beaubien v. Antoine Beaubien,* 64 U.S. 190, 23 How. 190 (1859).
21. *Gratz v. Bollinger,* 539 U.S. 244 (2003) and *Grutter v. Bollinger,* 539 U.S. 306 (2003).
22. *United States v. Tinklenberg,* 131 S. Ct. 2007 (2011).
23. *KSR Int'l Co. v. Teleflex, Inc.,* 550 U.S. 398 (2007).
24. *United States v. Lawrence Plamondon and John Sinclair,* 407 U.S. 297 (1972) (better known as "The Keith Case").
25. *Talk America, Inc. v. Michigan Bell Telephone Co.,* 2011 WL 2224429 (2011).
26. *Rapanos v. United States,* 547 U.S. 715 (2006).
27. *Milliken v. Bradley,* 418 U.S. 717 (1974); *Milliken v. Bradley,* 433 U.S. 267 (1977).

Court History Will Be Published in 2012

The United States District Court for the Eastern District of Michigan: People, Law, and Politics, by David Gardner Chardavoyne is due to be published by Wayne University Press on March, 15, 2012.

The book will appear in the Wayne University Press Spring/Summer 2012 Seasonal Catalogue where it will described as follows: A chronological history of the United States District Court for the Eastern District of Michigan, from its beginnings in the 1830s to present.

The United States District Court for the Eastern District of Michigan, the federal trial court based in Detroit with jurisdiction over the eastern half of Michigan, was created in 1837 and operated as recently as 1923 with a single trial judge. Yet by 2010, the court had fifteen district judges, a dozen senior U.S. district judges and U.S. magistrate judges, and conducts court year-round in five federal buildings throughout the eastern half of Michigan (in Detroit, Bay City, Flint, Port Huron, and Ann Arbor). In *The United States District Court for the Eastern District of Michigan: People, Law, and Politics,* author David Gardner Chardavoyne details not only the growth of the court but the stories of its judges and others who have served the court, litigants who brought their conflicting interests to the court for resolution, and the people of the district who have been affected by the court.

In chronological order, Chardavoyne charts the history of the court, its judges, and its major cases in five parts: The Wilkins Years, 1837 to 1870; The Industrial Revolution and the Gilded Age, 1870 to 1900; Decades of Tumult, 1900 to 1945; The Era of Grand Expectations, 1946 to 1976; and A Major Metropolitan Court, 1977 to 2010. Along the way, Chardavoyne highlights many issues of national concern faced by the court, including cases dealing with fugitive slave laws, espionage and treason, civil rights, and freedom of speech. Chardavoyne also examines how conflicting interests – political, local, and personal – have influenced the resolution of a myriad of issues not directly related to the court's cases, such as who becomes a federal judge, how many judges the court should have, in which cities and in which buildings the judges hold court, what kinds of cases the judges can and cannot hear, and the geographical boundaries of the district and of divisions within the district. ■

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