

Alive and Well

Supreme Court official keeps book in spotlight

By Tom Kirvan
Legal News

For the past 18 years, Fred Baker Jr. has done his best to keep a “Murder” alive.

It has been no small task for the former law school instructor who now is a commissioner for the Michigan Supreme Court after spending 18 years as a partner with the renowned firm of Honigman Miller Schwartz and Cohn.

The Flint native helped breathe new life into the “Murder” by befriending an elderly legal scholar whose lot in life was enriched by his years in the Upper Peninsula of Michigan where he was more at home wading in a trout stream than litigating in a courtroom.

The man answered to two names in life, John Voelker and Robert Traver, and it was the latter pen name for which he gained fame as the best-selling author of “Anatomy of a Murder,” a masterful work of fiction that was made into a 1959 film starring Jimmy Stewart, George C. Scott, Ben Gazzara, Eve Arden, and Lee Remick.

Good company, for sure.

Which is just one of the reasons that Baker’s efforts to help launch the John D. Voelker Foundation in honor of the internationally acclaimed author and former justice of the Michigan Supreme Court met with success, even if Baker and co-founder Richard VanderVeen III had to borrow \$10,000 in 1989 to turn their dream into the reality of today.

Since its inception, the Voelker Foundation has awarded more than \$100,000 in scholarships to Native Americans interested in attending law school. The annual grants of \$4,000 generally have been matched by the scholar’s tribe under an agreement between the Foundation and the Inter-Tribal Council, according to Baker. Funding for the scholarships has been generated by the sales of limited edition copies of “Laughing Whitefish,” a historical novel written by Voelker-Traver about a Chippewa woman’s 19th century fight for justice, a battle that she waged all the way to the Michigan Supreme Court.

The Foundation also sponsors the Robert Traver Fly Fishing Fiction Award, a \$2,500 annual prize presented to an author whose winning work is then published in “Fly Rod and Reel” magazine. The late Charles Kuralt, who gained fame as a CBS News correspondent and was a board member of the Foundation, “described this as the most prestigious outdoor writing award in the nation,” Baker indicated.

Its third funding focus is “The Trout Habitat Program,” a project designed with the Michigan Department of Natural Resources and the City of Ishpeming, according to Baker.

“We have assisted in establishing new trout habitats and developed the renamed Voelker Lake as a youth fishery,” Baker reported, noting that those interested in learning more about the Foundation can visit its Web site at www.Voelkerfdn.org.

Voelker, who died in 1991 at the age of 87, was in his twilight years when Baker and VanderVeen hatched their plans for the Foundation. He didn’t exactly jump—like one of his beloved U.P. trout—at the idea.

“John thought about it for a couple of years and finally said that, although it made him feel ‘a wee bit embalmed’ to have a Foundation named for him, it might be all right to do a few good things using his name,” Baker related in a speech he gave last summer to commemorate the 50th anniversary of the publication of “Anatomy of a Murder.”

Said Baker:

“He joined in the incorporating, and donated to the Foundation the right to reprint a few of his books, which he signed over and over, toward the end vowing that in his next life his name was going to be much shorter.”

Baker, who graduated from Big Rapids High School in 1967 and the University of Michigan four years later, is a walking encyclopedia about all things Voelker, lining his office shelves in the Michigan Hall of Justice with prized photos of the best-selling author.

In his speech last July at the National Conference of Chief Justices/State Court Administrators at the Grand Hotel on Mackinac Island, Baker presented an engaging and insightful look at the former Marquette County prosecutor, the “first Democrat to hold the office,” Voelker once remarked, “since the time of the flood.”

Yes, that “flood.”

Such witticisms helped make Voelker an endearing character, even after he popped up as “Robert Traver,” a moniker that combined his mother’s maiden name with the first name of his deceased brother.

“John’s school teacher mother instilled in him the love for words and reading that profoundly shaped his life and character,” Baker told his audience at the Grand Hotel in a speech that he recently reprised in Lansing. “He played endlessly with words, and loved nothing better than punning and compressing humor into them.”

Voelker graduated from Northern Michigan University, earning his juris doctor from the University of Michigan Law School in 1928. After law school, he spent several years in Marquette as an assistant prosecutor before moving to Chicago to be with his future wife, Grace, whom he had met at Michigan.

“It was in Chicago that John began writing, mostly stories about the U.P., as therapy for his homesickness and unhappiness,” Baker stated. “He remarked that he started writing at the ‘height of the depression,’ referring not only to the great depression of the 1930s, but also to his own unhappiness in Chicago. He told documentary filmmaker Sue Marx that he believed that ‘the very anonymity of city life is dangerous to the human animal.’ He hated the city. He loved his U.P.”

His first foray into the world of publishing was the 1943 release, “Troubleshooter.”

“It was one of the series of two collections of stories that he called his ‘D.A. books,’ based on his experiences as a prosecutor,” Baker said.

It would be the first of a dozen books that he authored over the course of his career, one of which, “Traver on Fishing,” was published posthumously. His legal career may have been given up for dead in 1950 when he was ushered out of office as a prosecutor, losing a re-election bid by 36 votes. He was a victim of his own success, Voelker later acknowledged.

“Sooner or later,” he observed, “if you are any good at the job, you will have annoyed enough of your constituents and their friends and relatives that they will combine to throw you out of office. And that’s what they did.”

The setback at the polls put Voelker at a financial crossroads in his life with a marginal private practice and a wife and three young daughters to support, according to Baker. Yet, in 1952, he unwittingly caught his big break. It was as the defense attorney in *People v. Peterson*, a case that served as the basis of his soon-to-come book, “Anatomy of a Murder.”

The book was rejected by several publishers, adding to Voelker’s “utter forlornness” after he lost another race at the polls, this time for a seat in Congress.

“But just at his darkest hour, an amazing confluence of events combined to elevate this obscure northwoods ex-D.A. from obscurity to world-wide fame and acclaim,” Baker said.

“Soapy” Williams was Michigan governor at the time and he was informed “that the tradition of having at least one seat on the Michigan Supreme Court filled by someone from the U.P. had fallen into disuse,” according to Baker. Voelker suddenly became one of two candidates for a Supreme Court opening. Tom Downs and Gus Scholl were sent by Governor Williams to conduct the final interviews and to recommend a choice. According to Baker, after Downs and Scholl finished the standard interview, they asked Voelker, “Why do you want this job?” His answer apparently turned the legal tide in his favor.

“[The late] Tom (Downs) said that John laid his finger beside his nose for a minute to consider the question, and then replied, ‘Because I have spent my life on fiction and fishing, and I need the money,’” Baker stated. “According to Tom, John’s candor so delighted Governor Williams that he chose him to fill the vacant U.P. seat on the Court.”

Coincidentally, the same weekend that Voelker received word that he would be appointed to the Supreme Court, a book company accepted “Anatomy” for publishing.

“As a result, just after he joined the Court, ‘Anatomy’ was published and began to climb the best seller list, where it stayed at number one for 29 weeks, and among the top 10 for over a year,” Baker said. “Suddenly, John was prosperous and, as he once wryly remarked, found himself ‘a promising young author at the age of 52.’”

Voelker would stay on the Supreme Court for just three years, writing in his resignation letter to Governor Williams: “I am pregnant with book—while others may write opinions, they cannot write my books.”

Indeed.

Nor could they have foreseen that Hollywood would come calling, lining up an all-star cast to bring “Anatomy” to the silver screen.

“And it seemed that suddenly, ‘half of Hollywood had descended upon Marquette,’” Baker said. “Jimmy Stewart, Otto Preminger, Lee Remick, Ben Gazzara, Eve Arden, George C. Scott, Arthur O’Connell (who portrayed Parnell), Joseph Welch, and, not least, Duke Ellington, who composed the score for the soundtrack in Marquette. All became fixtures on the local scene while the movie was being filmed. And they especially enjoyed inscribing the wall in the basement of Gigs Gagliardi’s Roosevelt Bar when the film was wrapped.”

Like Voelker, Baker has had a lifelong love of the outdoors and briefly toyed with the idea of starting a law practice in the U.P. He was dissuaded by a local judge who told Baker that he “would starve to death” if he went ahead with his plan. So instead the graduate of Washington University School of Law in St. Louis joined the faculty of the Wayne State University Law School, teaching legal writing, research, and advocacy from 1975-76. Over the years he also has taught classes at Cooley Law School and Michigan State University School of Law. From 1986 to 2004, he was a partner with Honigman Miller, serving as one of the firm’s chief litigators in its Lansing office. His decision to retire from the firm was prompted in large part by a case involving the Americans with Disabilities Act that generated “millions of pages of documents” and several years to play out.

“I absolutely hated that case and decided that litigation is a sport for young men,” Baker said. “It was time for a change.”

It came in the form of an appointment as a commissioner for the state Supreme Court in 2005. He now is part of an expert legal team that helps justices digest the complexities of hundreds of cases each year.

“In short, we are ‘hamburger helper’ for the court,” Baker smiled. “We wade through the briefs and the court records, and boil down each case for the court’s consideration. It’s a job I absolutely love and I have found the court to be fascinating. The justices are all smart and highly principled people, and it’s an honor to work with them.”

Baker and his wife Irene, a nurse practitioner, have been married for 38 years and have two grown daughters, Jessie and Jordan. The 31-year-old Jessie is an urban planner in New York City, while 26-year-old Jordan recently graduated from nursing school. The Bakers live on a 10-acre site outside Lansing where several years ago he planted a seven-circle labyrinth of evergreens that now have grown chest-high. Someday, when the trees reach maturity, Baker hopes to have replicated a bit of beauty of the U.P. on his lower peninsula parcel. It would make Voelker proud.

Baker and VanderVeen periodically made the 10-hour journey to Voelker's home in the U.P. to visit with the author over the last decade of his life. It was a trip that they would sometimes take at a moment's notice. Such as the first time when they hooked up with him as he played a game of cribbage at popular local saloon. After he polished off an opponent, Voelker turned to his visitors and asked if they would like to "come out to the pond?"

"We were stunned and delighted," Baker recalled. "We would have been happy with five minutes of the great man's time. He spent the day with us, showing us little oddities and stopping to pick sugarplums, blueberries, and mushrooms. Then we fished at his fabled pond and cooked the little trout we caught with the mushrooms we had picked, accompanied by Old Fashioneds, a wonderful drink that sadly has fallen out of vogue.

"It was a wonderful day, the first of many to come," Baker said. "As we parted at the intersection north of Sands, he waved to us and said, 'Come back lads, but not too soon.' From then on, if we got a postcard saying the morels are in season or the boletus edulus look like hamburger buns strewn across the forest floor, we would drop what we were doing and go see John."

Photo by Tom Kirvan

Fred Baker's fascination with John Voelker, who wrote under the pen name Robert Traver, is captured in albums tracing the meteoric rise of the best-selling author.

Photo courtesy of Fred Baker

In a photo from the late 1980s, retired Supreme Court Justice John Voelker (left) is shown at one of his favorite nature spots in the U.P. with Fred Baker, now a commissioner for the Michigan Supreme Court.

Photo courtesy of Views from the Past

Author Robert Traver (left), otherwise known as John Voelker, shared a smoke with actor Jimmy Stewart in this 1959 shot that was taken during the filming of "Anatomy of a Murder" in Marquette.