



**I**t has already been sold to the movies . . . I think it might be well if you got more copies than you normally might. . . . Better you order a carload,” wrote Voelker to a bookseller in Chicago about his novel *Anatomy of a Murder*. He was right. Shortly after its publication, *Anatomy* sold over 300,000 copies. Since then it has been purchased by well over four million readers in twenty different languages.

*Anatomy* was photographed in black and white in Marquette County and completed in two months. Otto Preminger, who produced and directed the film, hired an excellent cast including Jimmy Stewart, George C. Scott, Lee Remick, Ben Gazzara, Arthur O’Connell, Eve Arden, Orson Bean, Kathryn Grant, Murray Hamilton, an aspiring older

ordered that permits be issued allowing the film to be shown in Chicago.

*Anatomy* was screened at the Butler Theater in Ishpeming and the Nordic Theater in Marquette on June 29. Because there was only one print of the movie available, as soon as a reel was finished in Ishpeming it was quickly dispatched for showing in Marquette. The world premier occurred on July 1 in Detroit.

Many of the actors signed their names and placed their hand and footprints in wet cement slabs to become part of the sidewalk in front of the Nordic Theater. City authorities, however, taking what they considered to be the moral high ground, decided not to publicly display a tribute to the film and planned to destroy the slabs.

# MURDER ANATOMY OF A

actor and attorney named Joseph N. Welch and the inimitable Duke Ellington. The movie was a huge success garnering seven Academy Award nominations, including best actor (Stewart), best supporting actor (Scott and O’Connell) and best cinematography, screenwriting and film editing.

The film was previewed in Chicago on June 18, 1959, but because of the sexual content and realistic dialog about rape, an attempt was made by Mayor Richard J. Daley to have it banned. Judge Julius Miner of the U.S. District Court ruled: “I do not regard this film . . . as depicting anything that could reasonably be termed obscene or corruptive of the public morals and found that the censorship exceeded constitutional bounds.” He

Fortunately, a local farmer hid the slabs in his barn where they stayed until 1984 when they were rediscovered and placed in front of the Nordic Theater. Normal wear and tear over the years caused significant loss of the imprints and currently there are fundraising efforts to recast the slabs and return them to the sidewalk, commemorating the enduring popularity of this American film classic.

—Richard D. Shaul

**OPPOSITE** (Clockwise from upper left): Otto Preminger, Lee Remick and Jimmy Stewart lunch at the Mather Inn; filming at the Marquette County courthouse; after filming, the cast signed this wall in the Roosevelt Hotel bar; John Voelker with *Anatomy* cast; Voelker teaches Remick fly tying; *Anatomy* film crew; Stewart and Remick; and Voelker and Duke Ellington.

**T**his story is the result of my lifelong interest in the 1952 trial that inspired John Voelker to write his bestseller, *Anatomy of a Murder*. I thought the real story had been forgotten. For example, there is an exhibit at the Marquette County Historical Museum on the movie *Anatomy of a Murder*. It offers black-and-white snapshots of Eve Arden in a tight babushka eating an ice cream cone and Jimmy Stewart intently signing autographs surrounded by smiling fans. Yet, there is nothing exhibited on the trial that inspired Voelker—the trial’s defense attorney—to write his highly acclaimed book, except for a small placard giving the names of the original jury members. Yet, long before the glitz and razzmatazz of Hollywood collided with the Upper Peninsula, what became one of the state’s most famous trials unfolded when Coleman A. Peterson, a U.S. Army officer stationed at the anti-aircraft artillery range near Big Bay, was tried for murdering Mike Chenoweth, a local bartender, in revenge for allegedly raping Peterson’s wife.

My interest stemmed in part from the fact that my grandfather, Oscar Bergman, was one of the trial’s fourteen jurors. My research uncovered a 1952 *Marquette Mining Journal* picture of the original jury. I then discovered that three of the jurors are still living in the Upper Peninsula. I started with Max Muelle, whom I met at the Coachlight Coffee Shop in Marquette.

“It was so long ago,” he began. “The first thing that comes to mind is how hard those chairs were in the jury box. Eight days on those hard wooden chairs.” He leaned back, half smiled and poured another cup of tea. “Sure, I remember your grandpa. You have a jury picture? That’s him right there, isn’t it? I don’t remember most of this jury but I remember him,” he said, thumping his finger on my grandfather’s face. “I haven’t read the book and I’ve seen parts of the movie but never watched it all the way through. I remember the film crews being around but I didn’t pay too much attention.

“I was only twenty-two years old, and the last juror chosen. They didn’t ask me any questions. They were in a hurry to get going and needed one more juror. They didn’t ask me if I knew the deceased. I did. We both did some pistol-shooting and Mike Chenoweth was real good. He always took nitroglycerin before he’d shoot in a competition. Said it calmed him down. But they didn’t ask me if I knew him or if I knew anything about what really happened and, I did. I knew right away the next morning exactly what happened at the Lumberjack Tavern the night before, all the details from the state trooper that investigated, but they never asked me. They just said ‘Aw, he’s alright; let’s

get on with it’ and they swore me in. There I was, a juror.”

I looked into Max’s blue eyes as he lowered them. “I made a promise to myself that I would be fair and not let what I knew get in the way of doing my duty,” he said softly. “We could vote three ways: Guilty, Not Guilty and Not Guilty by Reason of Insanity. We voted Levi [Kettunen] the foreman for no particular reason and we decided to go around the table and say what we thought. ‘Guilty.’ ‘Guilty.’ ‘Guilty.’ And so it went around the table, until the last: ‘Not Guilty.’ It was this guy,” he thumped my grandfather’s image on the jury photograph. “It took us eight hours to convince him but he finally changed his Not Guilty vote to Not Guilty by Reason of Insanity.” Max looked up, “Funny thing, though. About three years later, I heard that Lieutenant Peterson was killed in a plane crash in Alaska. I never heard what happened to Mrs. Peterson.”

Wahlstrom’s Restaurant in south Marquette was where I met former juror Roy Oien. “The trial was interesting and got better every day. I enjoyed watching John Voelker in the courtroom. Now, there was a man who didn’t take a back seat to anyone! He had just been beaten by Ed Thomas for the prosecutor’s job and I’m sure Mr. Voelker felt different being in the other chair. Thomas seemed smart and did a good job. They sure went back and forth! There were always surprises with those two.

“Everybody complained about how hard the chairs were. Some even wanted to bring seat pads but I don’t think anyone really did. My wife, Bernice, went to the trial and watched every day. Every day, before we left [for home], the judge would say we couldn’t talk about the trial with anyone or read anything about the trial. That was the rule.

“When the trial ended [on the eighth day] we had to stay longer. The bailiff walked us over to the Coffee Cup restaurant for supper. Then they walked us back to the courthouse and the jury room to talk about what we thought. I sat next to Isadore LaCrosse. Oscar Bergman sat at the other end of the table. Levi Kuttunen was the foreman and he was the one who talked the most.

“I said and still say, if you did it, you did it—and I kept to that. But, the vote was 8-4. So someone’s dead and nobody pays.

“When the Chenoweth trial was over, I went back to working. I had a wife, a farm and three children to support. I had to take time off from my job to sit on that jury. They paid us twenty dollars for the eight days the trial lasted. Years later, when the notice appeared in the paper that the movie company was looking for local people to be in Voelker’s movie, my wife asked if I wanted to go. I told her that I’d

spent enough time with that trial.”

I made a short trip to Republic and spoke with the third juror, Thomas Warren. “I was born in Ishpeming and knew John

# THE REAL TRIAL

by SHIRLEY J. BERGMAN

Voelker—Johnny, we called him—pretty well. Johnny liked to fish and play cards and fish and drink good bourbon and fish. He'd call the Ishpeming cab and tell the driver to 'pick up the bag' and the cabby would go buy the bourbon and drive it on over to Johnny.

"Mike Chenoweth was a former state police officer and a sharpshooter. He was known to use the clothespins on the outside wash line for target practice, picking the tops of the pins off as his wife pinned them onto the wet clothes.

"In later years, when he stepped behind the bar at the Lumberjack Tavern, he kept a gun for backup. Everyone in Big Bay knew that; it was common knowledge. So, what happened to that gun? After Chenoweth had been shot, his gun couldn't be found. Did someone take it, and if that was so, then who and why? It was never found.

"I was thirty-four years old and the father of four children when I was called to the jury. I was a miner and worked underground for C.C.I. [Cleveland-Cliffs Iron Company] at the time and I couldn't afford to be off the job for as long as I was, but I felt it was my duty to go. They only paid us \$3.58 a day for those eight days on the jury and that was supposed to be for traveling time. I had to take my lunch pail and eat in the car every day.

"I enjoyed being involved with a murder trial. It was real interesting and I learned a lot. Whether it was listening to testimony or watching Johnny and that prosecutor from downstate [assistant attorney general Irving B. Beattie] go back and forth, I thought the trial was real interesting and the days went fast. That lower Michigan fella thought he'd be playing with a hick!

"During the trial, the defendant, Lieutenant Peterson, sat very still—perfectly still. No movement. No outburst. No emotion at all. He was dressed in his uniform every day—a very handsome soldier. Who knows what he thought when his wife came back from the Lumberjack that night? Mrs. Peterson had gone to the tavern without her husband, as she had many times before, dancing barefooted, carrying on, while he was at bivouac. Why was she there without her husband?

"Only the jury saw the pictures of Mrs. Peterson's body and the bruises after the beating. As we passed those pictures from one juror to another, we were told that she had been raped twice by Chenoweth and then kicked under the gate. She was really bruised. But who did the bruising? Who knows what the lieutenant thought when she came back that night? From what we knew, he got up, got his gun and left his wife at the trailer. Lieutenant Peterson didn't want to take a chance with that gun hidden behind

the bar. He went into the Lumberjack and fired point-blank at Chenoweth. The bartender dropped to the floor. Without a word, Peterson went to the bar, leaned over and emptied his gun into the body. When the jury saw the pictures of Chenoweth's body as evidence, there were seven shots marked—one in the center, surrounded by the other six, in a perfect circle.

When Mrs. Peterson went onto the stand, I felt like she was putting it on a little more than what had actually happened. But why had she gone to the tavern alone? And what did the lieutenant think when she came back?

"We knew that we all had to reach the same verdict as we went into the jury room. Levi Kettunen was the jury foreman. He was a short, stern tailor from Ishpeming and wanted the most to have the lieutenant guilty. He really bucked Not Guilty by Reason of



Mining Journal

**Members of the 1952 trial jury included: (front, from left to right) Archie Connors Jr., James T. Hawes, Oscar N. Oie, Roy Oien, Isadore LaCrosse, Robert Benti, (back) Thomas Warren, Max Muelle, Alben Bellstrom, Julia Layne, Irene M. Reusing, Oscar R. Bergman and Levi Kettunen.**

Insanity. We voted many times on little white pieces of paper. The bailiff would get them from each juror after each vote. Until everyone voted the same way, we'd have to keep talking about it. I remember everyone saying, 'He took a life . . . he took a life' but 'The jury has come to a verdict.'

"After the judge announced the verdict, Not Guilty by Reason of Insanity, Lieutenant Peterson went to each juror, looked us straight in the eyes and shook our hands. Peterson was held for thirty days after the trial, was tested and then was free to go. I heard that the Petersons divorced six months later and the lieutenant went to Korea. I know that Johnny's only payment for all his time and all his work on the trial was the lieutenant's gun—the murder weapon.

"I was thankful that the trial was over. I felt that the lieutenant was justified in what he did. I was a soldier and a soldier is trained to defend and that's what the lieutenant did—defend his wife. I don't think he was temporarily insane. I felt he had a right to do what he did. Why should he suffer the rest of his life to let a man do that to his wife?" mh

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