



Marquette Regional
History Center

ORDER IN THE COURT!

Wednesday
October 18, 6:30 p.m.

Join Attorney Richard VanderVeen and Judge Mike Anderegg as they recount three of the most interesting court cases held in Marquette County. You'll hear about the actual trial which was the basis for the film *Anatomy of a Murder*, *Charlotte Kawbawgam vs. Jackson Iron Company*, and the *Theodore Roosevelt vs. George Newett* libel case. All three are fascinating stories you may never have heard. \$5 suggested donation. For more info please call 906.226.3571 or visit marquettehistory.org Program is at the History Center 145 W. Spring Street



"Anatomy of a Murder" witness interrogation



Theodore Roosevelt & his
attorney



Charlotte Kawbawgam



George Newett & his attorney

All photos from the J.M. Longyear Research Library, MRHC

Charlotte Kobogum v Jackson Iron Company

Facts: When Michigan traded the “Toledo Strip” to Ohio for the Upper Peninsula (our U.P.). Shortly thereafter, William Burt began to survey the U.P. As the display in the Marquette Regional History Museum graphically, audibly and succinctly demonstrates, Burt’s solar compass was critical when he tried to use it near the enormous deposits of iron ore that were revealed to him by Marji Gesick. Two years after the Burt survey two entrepreneurs from Jackson, MI came to the nascent crossroads of Wooster – the first name for Marquette - located Marji Gesick and entreated him to show them the location of the iron ore in the fallen tree stump – the samples of which they had received from William Burt. When they founded the Jackson Iron Company they promised to share the wealth. They sealed their promise with a contract – but, like so many injustices wrought against American Indians, they never paid Marji. He died penniless. *Promises made, promises not kept!*

However, his daughter, Charlotte Gesick Kobogom found the tattered contract in her father’s possessions. She pursued her legal right to inherit and collect on the contract. She lost. Twice.

Charlotte then brought the case to F.O. Clark. He had moved to Michigan in 1865 as a civil engineer. Clark received his law degree and joined the Bar in 1870. He was elected Mayor of Escanaba and to the Michigan Legislature. In 1876 he moved to Marquette and married the Ellen Harlow, daughter of Amos Harlow, who helped found the City, and had been a guest of Marji Gesick when he, Amos, first explored Marquette in the 1840s. In 1889, while serving as Marquette’s Mayor, Clark argued the case before the Michigan Supreme Court.

The issues of the case were: 1. Did the contract given to Charlotte Kobogom’s father give him equitable title to the shares mentioned in the document? 2. Was the current company bound by the trust relation between Charlotte’s father and the former corporate organization? 3. Could marriages between members of an Indian tribe, recognized as valid under Indian law & rules, be recognized and not interfered with by state courts? The decision on issue number three was the most important.

The MI Supreme Court opined on the case three times: *Jeremy Campo v The Jackson Iron Mining Co.* 49 Mich 39, 12 NW 901 (1882); *Jeremy Campo v Jackson Iron Co.* 50 Mich 578, 16 NW 295 (1883); and ***Charlotte Kobogum et al. v The Jackson Iron Company***, 76 Mich 498, 43 NW 602 (1889).

Conclusion: Charlotte wins! In an all too rare ruling, the Michigan Supreme Court followed the precedent set in *Worcester v. Georgia*, 31 U.S. (6 pet.) 515 1832. There, U.S. Supreme Court Justice John Marshall enunciated the legal principle that federal and state laws have no force in Indian country. They won the case! *Promises made, promises kept.*

Analysis: In 2011, the Michigan State University Press reprinted Laughing Whitefish. Professor L.M. Fletcher, Director of the MSU Law School Indigenous Law & Policy Center and a Voelker Foundation Board Member wrote the Forward. He discusses the key Discovery, Sovereignty and

Tribal Issues. He articulates the significant impact of the novel and the import of the *Kobogum* case on Tribal Law. He wrote:

Laughing Whitefish is the fictionalized story of a case that reached the Michigan Supreme Court, *Kobogum v. Jackson Iron Co.* The petitioner, an Ojibwe Indian from the Upper Peninsula of Michigan, brought suit to recover because the mining company had promised a share in the company because he had led them to one of the largest iron ore deposits in the country, the famed Jackson Mine. Despite the company's defense that Mr. Gesick was a polygamist and therefore Ms. Kobogum could not be his legitimate heir, the Michigan Supreme Court held that state courts had no right to interfere with internal, domestic relations of reservation Indians, and upheld the claim. [The Court ruled, "we had no more right to control their domestic usages than those of Turkey or India."] Justice Voelker's tale offers insights into why state courts should recognize the judgments of tribal courts even today...

"*Kobogum* and Laughing Whitefish offer a clue to the origins of the modern conception of tribal law as recognized by federal (and occasionally by state) courts. Within the area of domestic tribal relations, tribal laws and customs can flourish without outside intervention, ...*a tribal law cannot be known by outsiders (or even members) who cannot speak and understand the tribal language.* ... Justice Voelker published Laughing Whitefish in 1965, at nearly the same time as the fishing wars in northern Michigan between the Indian treaty fishers and non-Indian sports and commercial fishers. It is telling and a great tribute to John Voelker and other avid fishermen like him, that he published such a powerful and sympathetic book at such a time. *Promises made, promises kept*

When John Voelker co-founded the Voelker Foundation in 1989, he asserted that the key purpose should be to provide law school scholarships to American Indians from Michigan and Wisconsin tribes. When asked why, John exclaimed, "Let them read my book!"

Since 1989, Voelker Foundation Members have provided 25 American Indian Law School Voelker Scholarships to 15 women and 10 men. Each of these Voelker Scholars are making important contributions to the communities they serve. And, they are reading his book! *Promises made, promises kept!*

We also encourage you to view and support the Scholars through **The Voelker Scholars Documentary Pilot**: This 16.5 minute "Warrior Lawyer" PBS Special pilot video was created and produced by Audrey Geyer, VISIONS. She is raising the final funds necessary to complete the documentary.

Ms. Geyer has interviewed and features key leaders as well as the Voelker Foundation Law School Scholars – documenting the outstanding contributions they are making to the Communities they serve. We welcome your review, comments and financial support! *Here's the link:* <https://vimeo.com/228437203> *Promises made...*

We welcome you to the John D. Foundation. www.voelkerfoundation.com.

[Thank you to the Marquette Regional History Center. Rich Vander Veen: 906-264-5025](#)

MEMBERSHIP APPLICATION

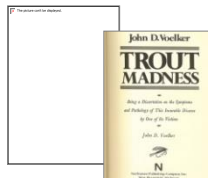
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_____ *The Intruder*

\$600.00

(\$100.00 is tax deductible)



_____ *"Laughing Whitefish Returns"*

MSU Press

Signed by Matthew Fletcher

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Affiliate Membership may be obtained through an annual \$50.00 contribution, which entitles Affiliate Members to a year's subscription to the Foundation's *Tin Cup Times*, with four cumulative annual donations qualifying Affiliates for full Membership status.

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Donations and Gifts are Welcome! Supporters of the John D. Voelker Foundation may allocate donations to any of the Foundation's goals. I enclose \$_____ to be applied to:

_____ The John D. Voelker Native American Scholarship Fund
_____ The Traver Fly Fishing Fiction Writing Award Fund
_____ The Voelker Lake Project. _____ Other

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Postage will be paid by the Foundation. Please allow two weeks for delivery. Send your subscription or contribution and this Membership Form to: **The John D. Voelker Foundation, P.O. Box 15222, Lansing, MI 48901-5222.** The Voelker Foundation is a MI non-profit with federal 501 (c) (3) status and is licensed by the MI Attorney General. Your contribution will enable the Foundation to continue the Traver Award, Native American Scholarships, and other good works we do in John's name.



John D. Voelker Foundation

PO Box 15222

Lansing, MI 48901-5222

Further information: Rich Vander Veen (906.264-5025; rfd3@mackinawpower.com)

or Fred Baker (517.220.2372) or fmbjr@hotmail.com.

Voelker Scholars, 1990 – 2017

- 1991 – 1993 **George Hyde** (Sault Ste. Marie Tribe of Chippewa Indians); Thomas Cooley Law School; Marquette private practice
- 1995 – 1997 **Brian Vigue** (Menominee); University of Wisconsin Law School;
- 1995 – 1997 **Michelle Greendeer-Rave** (Ho-Chunk Wazijaci Nation & Oneida Tribe of Wisconsin); University of Wisconsin Law School; Ho-Chunk National Department of Justice;
- 1996 – 1998 **Allie Maldonado** (Little Traverse Bay Bands of Odawa Indians); University of Michigan Law School; LTBB Chief Judge;
- 1998 – 2000 **Damian Fisher** (Saginaw Chippewa Tribe of Michigan); Thomas Cooley Law School; General Counsel, Little River Band of Ottawa Indians;
- 1998 – 2000 **JoAnne Cook** (Grand Traverse Band of Ottawa & Chippewa Indians); University of Wisconsin Law School; Vice Chair, GTB Tribal Council;
- 2001 – 2002 **James (Jim) Washinawatok III.** (Menominee); University of Wisconsin Law School; Southern Ute Indian Tribe Legal Department;
- 2003 – 2005 **Elizabeth Cook** (Grand Traverse Band of Ottawa and Chippewa Indians); University of Kansas Law School; Assistant General Counsel, Nottawaseppi Huron Band of Potawatomi;
- 2004 – 2005 **Ezekiel Fletcher** (Grand Traverse Band of Ottawa & Chippewa Indians); University of Wisconsin Law School; Fletcher Law;
- 2004 – 2005 **Phil Harmon** (Little Traverse Bay Bands of Odawa Indians); Michigan State University Law School; Human Resources Director, Gun Lake Tribe;
- 2004 – 2009 **Karrie Wichtman** (Sault Ste. Marie Tribe of Chippewa Indians); Michigan State University Law School; Managing Partner, Rosette & Associates;
- 2007 – 2009 **Alison Grigonis** (Pokagon Band of Potawatomi Indians); UCLA Law School;
- 2010 – 2011 **Andrea Korthase** (Sault Ste. Marie Tribe of Chippewa Indians); Michigan State University Law School; Young Adult Transition Program Coordinator, State of Oregon;
- 2010 – 2011 **Cherie Dominic** (Little Traverse Bay Bands of Odawa Indians); University of New Mexico School of Law; LTBB Office of Citizens Legal Assistance;
- 2011 – 2012 **Jason Sanders** (Bad River Band of Lake Superior Ojibwe, Eagle Clan); University of Wisconsin Law School;
- 2011 – 2013 **Tim Cornelius**; (Oneida Tribe of Wisconsin); University of Wisconsin;

- 2012 – 2015 **Rose Petoskey** (Grand Traverse Band of Ottawa & Chippewa Indians);
Graduated Cornell Law School, 2015
- 2013 – 2014 **Mary Shomin** (Grand Traverse Band of Ottawa & Chippewa Indians); 1st Yr.
Thomas Cooley Law School;
- 2013-2015 **Amy Foerster** (Little River Band of Ottawa Indians) Graduated Michigan State
University Law School and passed the Bar in 2015; Rosette Law with Karrie
Wichtman;
- 2014-2016 **Elise McGowen** (Little Traverse Bay Bands of Odawa Indians); Graduated
Michigan State University Law School
- 2015-2016 **Yvette Campos** (Grand Traverse Band of Ottawa & Chippewa Indians);
Graduated MSU Law School
- 2015-2016 **Mike Hollowell** (Sault Ste. Marie Tribe of Chippewa Indians); Graduated MSU
Law School
- 2016-2018 **John Petoskey** (Grand Traverse Band of Ottawa & Chippewa Indians) Attending
U-M Law School
- 2016-2018 **Keysharri Gill** (Grand Traverse Band of Ottawa & Chippewa Indians) Attending
MSU Law School
- 2017-2018 **Stacey Gettig** (Pokagon Band of Potawatomi Indians) Attending WMU Thomas
Cooley Law School

Voelker Scholars by Tribe

Sault Ste. Marie Tribe of Chippewa Indians

- 1991 – 1993 **George Hyde**
- 2004 – 2009 **Karrie Wichtman**
- 2010 – 2011 **Andrea Korthase**
- 2015-2016 **Mike Hollowell**

Menominee Tribe

- 1995 – 1997 **Brian Vigue**
- 2001 – 2002 **James (Jim) Washinawatok III.**

Ho-Chunk Wazijaci Nation & Oneida Tribe of Wisconsin

- 1995 – 1997 **Michelle Greendeer-Rave**

Little Traverse Bay Bands of Odawa Indians

1996 – 1998 **Hon. Allie Maldonado**
2004 – 2005 **Phil Harmon**
2010 – 2011 **Cherie Dominic**
2014-2016 **Elise McGowen**

Little River Band of Ottawa Indians

2013-2015 **Amy Foerster**

Saginaw Chippewa Tribe of Michigan

1998 – 2000 **Damian Fisher**

Grand Traverse Band of Ottawa & Chippewa Indians

1998 – 2000 **JoAnne Cook**
2003 – .2005 **Elizabeth Cook**
2004 – 2005 **Ezekiel Fletcher**
2012 – 2015 **Rose Petoskey**
2013 – 2014 **Mary Shomin**
2015 - 2016 **Yvette Campos**
2016 - 2018 **John Petoskey**
2016 - 2018 **Keysharri Gill**

Pokagon Band of Potawatomi Indians

2007 – 2009 **Alison Grigonis**
2017 - 2018 **Stacey Gettig**

Bad River Band of Lake Superior Ojibwe, Eagle Clan

2011 – 2012 **Jason Sanders**

Oneida Tribe of Wisconsin

2011 – 2013 **Tim Cornelius**

Voelker Scholars by Law School

Michigan State Law School Graduates & Scholars

2004 – 2005 **Phil Harmon**
2004 – 2009 **Karrie Wichtman**

2010 – 2011	Andrea Korthase
2014-2016	Elise McGowen
2015-2016	Yvette Campos
2015-2016	Mike Hollowell
2013 - 2015	Amy Foerester
2016 - 2017	Keysharri Gill

University of Michigan Law School Graduates and Scholars

1996 – 1998	Allie Maldonado
2016 - 2017	John Petoskey

Thomas Cooley Law School Graduates and Scholars

1991 – 1993	George Hyde
1998 – 2000	Damian Fisher
2013 – 2014	Mary Shomin
2017 – 2018	Stacey Gettig

University of Wisconsin Law School

1995 – 1997	Brian Vigue
1995 – 1997	Michelle Greendeer-Rave
1998 – 2000	JoAnne Cook
1998 – 2000	Damian Fisher
2001 – 2002	James (Jim) Washinawatok III.
2004 – 2005	Ezekiel Fletcher
2011 – 2012	Jason Sanders
1998 – 2000	Damian Fisher
2011 – 2013	Tim Cornelius

University of Kansas Law School

2003 – 2005	Elizabeth Cook
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UCLA Law School

2007 – 2009 **Alison Grigonis**

University of New Mexico Law School

2010 – 2011 **Cherie Dominic**

Cornell Law School

2012 – 2015 **Rose Petoskey**

Robert Traver Fly-Fishing Writing Award Winners 1994 – 2016

1994 – Peter Fromm, *Home Before Dark*

1995 - E. Donnell Thomas, *Ephemerella* (There's one thing the Buddha didn't know)

1996 - Harry Humes, *Ghost Pain* (a Mining Accident won't keep him from the fishing he loves)

1997 - Gary Whitehead, *For Keeps* (one brother is better at forgiving)

1998 - Seth Norman, *Edith's Rule* (Connecting and Giving Other Treasures)

1999-2000 No Award

.2001 - Kate Small, *Lateral Lines*

2002 - Richard Chiappone, *Opening Day*

2004 - Bil Monan, *The Surrender*, (On a WWII battlefield, a soldier lays down his rifle and picks up a fly rod)

2005 - Rhett Ashley, *Tex, Mex & The Amazons*

2006 No Award

2007 – Jeff Day, *In Hemingway's Meadow*; Rod Crossman, Illustrator

2008 - Michael Doherty, *The Shining Path* (Machu Picchu murder triggers father's Fly Fishing Memories)

2009 – Peter Fromm, *The Land Beyond Maps*

2010 - Kent Cowgill, *Two Men in a Museum*

2011 - Michael Doherty, *Seven Great Flies for the Boston Metropolitan Area*

2012 - Dave Karcynski, *Awake in the Moonlight: Notes at Hex Time*

2013 - Richard Chiappone, *Requiem for a River Bend*

2014 – Jerold Hamza, *Prose to Poetry, or Dance to the Music*. CD Clarke, *Illustrator*.

2015 - E. Donnell Thomas, Jr. *Rubies and Amethyst, Art is in the Eye of the Beholder*. AD Maddox, *Illustrator*.

2016 - Kent Cowgill, “*La Bouchon Souris*.”