

“SHORTSWORTHY”

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SHORTSWORTHY

I would like to introduce you to three men. The first is this fellow over my shoulder — Hamlin Garland, noted author and founder of the Cliff Dwellers Club in 1907. The second is Robert Collyer, a prominent clergyman who founded The Chicago Literary Club in 1874. His portrait is on the wall outside this door. And Vachel Lindsay, the wandering poet and bard who belonged to the Chicago Literary Club for years. Mr. Lindsay is delivering a presentation at this very lectern as you step off the elevator. He is also in a second spot (delivering the same lecture) right around the corner here. *You* know these men from the faces that grace the walls of this historic Club. *I* know these men from a different slant. I know these men from the *letters* they wrote: Hamlin, Robert, and Vachel. You see, I am an avid collector of autographs and historical manuscripts. It is a hobby that has its roots in my youth but has its branches that flower and bloom in the man that stands before you.

These were the opening words of a paper that I delivered to The Chicago Literary Club twenty year ago last month - on January 6, 1998. The title of that paper -- delivered from this very lectern -- was "*I've Been Working on the Railroad.*" That paper recounted my avocation – and part time vocation – of buying, selling and collecting historical manuscripts, documents, letters and *autographs*. "*I've been Working on the Railroad*" focused on my acquisition of the entire archives of the Chicago Rock Island Railroad. It was a story of Jonah – swallowing a whale.

A long time has passed since *that* cold January day when I stood here. So I thought it would be interesting to share with you what has transpired in this interim of two decades. And I will offer some previously undisclosed background on this passion that I have for history in its handwritten form. Because there is a lot more to the “story” than was told twenty years ago. It all started with *baseball*.

My father began taking me to Wrigley Field when I was about eight years old. We’d arrive when the gates opened. He’d plop into a grandstand seat with a hot dog and a beer and I would gallop down the concrete steps to troll for autographs. I would stand there in the mix of older boys – dodging elbows and waving a scorecard. I *longed* to get the autograph of Hank Sauer – my favorite Cubs player. The closest I ever came was one day, Hank was walking by the dugout. Spitting. Scratching. He was about ten feet away from me. I screamed at him “Hank! Hank! Mister Sauer!” He looked at me like I was a 9 year old lunatic and kept walking. In all my trips to the Friendly Confines, I never got Hank’s autograph. But there’s more. . . .

After presenting my paper to The Chicago Literary Club -- which mentioned my longing for Hank’s autograph -- I sent copies of the paper to various friends. A few weeks *later*, I received a letter from a reader – telling me that Hank Sauer was alive and well and living in Millbrea, California. Hank’s address was included. So I penned a letter to Hank with a copy of my paper – “*Dear Mister Sauer – I am your biggest fan in the world . . .*” A few weeks later, on a Saturday morning, I went in my office downtown and there on my desk was

a *package* with a return address label in the configuration of a baseball. It said “Hank Sauer - Millbrea, California.” I had tears in my eyes. I opened the package. Inside – wrapped in Major League Baseball wrapping paper – was an album – full of pictures, signatures and a note from Hank. Two years later Hank sent me a *second* album with pictures and autographs. I continued corresponding with Hank and his wife Jean until Hank passed away in the summer of 2001. Thanks to that paper twenty years ago, I had hit the high note. I had Hank Sauer’s autograph. . . .

Collecting baseball player autographs as a kid was fun. But as I got older I wanted *more*. So I began writing letters to anyone and everyone of note. And I would receive back small bundles of letters from places like the White House, the Boston Symphony, the Vatican, Windsor Palace and the French Embassy. “*Dear Scott, thank you for your letter. Here is my autograph.*”

Over the years, I “graduated” to more sophisticated collecting. I got on dealer lists and received auction catalogues. I began buying things that struck my fancy.

Upon receiving auction catalogues, I would submit bids on fifty to a hundred lots. Even lots with sizeable estimates. *But* I would bid five or ten dollars per lot. This was in the days *before* minimum bids. I would snag maybe three or four lots per auction. I got some pretty amazing and quirky stuff for a five dollar bill.

In one successful lot, there were six letters of Edward Everett Hale, the prominent theologian, Chaplain of the United States Senate and author of *Man*

Without Country. I thought *Gosh - I have six letters, maybe I should have seven.* So I began buying every Hale letter that came to market. Eventually I amassed more than 400 of Hale's original letters plus inscribed first editions of his books. I sold this collection some years ago to the Boston Public Library which houses many of the Hale family papers.

The focus of that paper twenty years ago was the acquisition of the entire archives of the Chicago Rock Island Railroad which was housed in a ten story – 100,000 square foot – building here in Chicago. At Polk and LaSalle. Hence the apropos title – *“I’ve Been Working on the Railroad.”*

In 1975, the Rock Island Railroad declared bankruptcy. It became the Chicago Pacific Holding Corporation. After several years of calling, nudging, cajoling and pressing, I got the green light to purchase the contents of that ten story building for all of five hundred dollars. The Chicago Pacific's intent was just to “get rid of the stuff.” Little did they know. . . .

There were *thousands* of boxes, file cabinets, records, desks and ledgers dating to the 1840's all bearing silent witness to the history of the Rock Island Railroad. Over the course of several weeks, I wandered *around* that ghostly building – alone – going from floor to floor. There were pens sitting on desks poised over half written letters. Brownd coffee pots in a kitchen. I sold the archives of that storied railroad to two universities: The University of Iowa and the University of Oklahoma at Norman. It took *eight* 48 foot over the road, tractor trailers to load up the contents of the building. Today – the old Rock Island Railroad building at Polk & LaSalle has gone condo. I suspect few of the

occupants know the story of this silent witness to American history. The home of the Rock Island Line.

Over the years, I churned out catalogues and listings of autograph materials. I bought. And I sold. I joined The Manuscript Society (www.manuscript.org) and became President of the Society in Belfast, Northern Ireland in 2002. This pursuit of autographs, rare manuscripts and books was really a *second* life for me. Very few people at my “day job” of being a lawyer knew of this “other side” of Petersen. I would travel. Acquire. Sell. And during most days, file trademark applications and offer counseling on intellectual property matters.

A good part of being a collector and/or dealer of *anything* is *to be in the right place at the right time*. Bob Hope used to say “*I’ve always been in the right place at the right time. But of course I always tried to steer myself there.*” And so – I tried to “steer” myself in the direction of *opportunity*. And I was drawn to the component of *persistence* which – in the case of the Rock Island archives – took many months of calls, letters and pushing.

As you might expect, I have had some very interesting acquisitions. Years ago, my wife, daughter and I were driving around Upstate New York. We had been to the Baseball Hall of Fame in Cooperstown. We left and were driving on a residential street in the town of Cazenovia, New York. I saw a hand crafted sign in the window of a house. The sign bore two words “Old Books.” I stopped the car. Walked up and rang the bell. A fellow answered the door. We talked for a few minutes and I asked if he had any old letters, documents or autograph

material. “*Oh I’ve got some old family letters up in the attic*” he said. I responded that I *could* be interested so he went up and brought down two shoeboxes chock full of old handwritten letters – all from the *Requa* family of Rochester, New York. They were dated between 1820 and 1890. I bought the batch for fifty bucks and we went on our way. When I got home, I breezed through the contents and stuck the boxes on a shelf.

A few months later, we were having dinner with our good friends Diane and David. David, who knew of my passion for manuscripts, asked if I had made any interesting acquisitions. I told him about the purchase of the Rochester family letters. He commented that his first wife – who had passed away shortly after their marriage – had been from Rochester. He asked the family name – and I said “Requa.” He looked at me – and whispered “*that was one of her family names.*” David put me in touch with the family. And I ended up repatriating the entire archive of letters to the Requa family in Rochester. I learned later that this collection had prompted several large family reunions which featured – the letters.

We traveled with these same friends David and Diane and their son to Boca Grande, Florida, in 1983. David suggested we go to the local library with his son and my daughter. So we went to the Boca Grande Johann Fust Library. As we walked in, I spied a small wire cage in the corner. I ambled over. The cage was locked so I peered in. *Oh my socks and shoes . . .* This small caged area was full of old books and first editions. There were first editions of Hemingway. A pristine first printing of *Origin of the Species* by Charles Darwin – 1860. Books

dating to the 1500's. Rarities galore. They had been donated years before by Charles Goodspeed of Boston. I asked the librarian what they were going to do with the books. She looked at me "*I just don't know.*" Now I am not as dumb as I look so I asked "*do you want to sell them?*" She looked at me like I was a moon rock "*you want to buy them?*" And I said "*yes.*" And I did. I was in the right place at the right time. I purchased the contents of the collection and sold much of it to the old rare book room on the third floor of Marshall Fields. For a handsome profit. . . .

I made frequent trips to Spain and Portugal to attend book fairs and visit rare book shops. I was fortunate to learn Spanish at a young age and I got by in Portuguese. I would bring back *suitcases* full of manuscripts dating to the 1400's. Colleges, universities and special collection libraries had *rapacious* appetites for such materials. As soon as I would return home, I would compose a listing of the various items and the suitcase contents would be snapped up. It was a perfect example of *arbitrage*. Buy an asset for one price in one market and sell it for a higher price in a different market. I always wondered why these institutions didn't send their own sleuths to poke around the dealers, fairs and auctions in Iberia. I am *very* glad they didn't.

In Lisbon there was an old warehouse located on a narrow street in the *Bairro Alto*. It was full of rarities. It was a literal cemetery of old and rare books and manuscripts -- where one could go, select and negotiate a price. It was right out of the classic novel by Carlos Ruiz Zafón – *The Shadow of the Wind*. Everything in the building was *crawling* with dust mites and book lice. Four

legged critters scampered on the floor. But I was not deterred. I acquired lots of things – for a veritable song. Upon arriving home, I would put the stuff in our freezer (that went over *real* well with my wife). After a month or two, the tiny critters ceased to be an issue. And the items were snapped up.

I acquired the original manuscript garrison records for Gibraltar for a pittance. They were dated 1690 to 1695 – a dozen years before the British takeover.

I still have an original manuscript bound in vellum which relates the delivery of the Crown of Portugal to Philip II of Spain. The date of this 50 page manuscript is 1593. And it's signed by the King – “*Yo El Rey.*”

During my daughter's first year at Vanderbilt University in Nashville, I stopped by Elder's Book Store at the old location on Elliston Place. I asked Mr. Elder if he had any old letters, documents or manuscripts. He shook his head. No. I asked if he had anything *handwritten*. Mister Elder stood up. Stretched. And disappeared into the back room and reappeared with a thick file folder. He blew the dust off. *That was a good sign . . .* The first two items – right on top - were *diplomas* from Washington College. One was dated 1867 and the other 1868. They were signed by the President of the college. I asked Mister Elder “*how much for the pair*” and he replied “*a hundred bucks each.*” I asked if that was the best he could do and he said “*heck son, those are signed by Robert E. Lee.*” Indeed -- Washington College later became Washington & Lee University. The two diplomas were in fact signed by – Robert E. Lee who had served as President after the Civil War. I bought the entire file folder which was jammed

with gems for \$400. I sold the Robert E. Lee diplomas a week later to a dealer friend in Little Rock, Arkansas. *That* was arbitrage . . . on steroids . . .

The hunt for manuscript treasures has been fun. Profitable. Stimulating.

My daughter has suggested for years that I should take a sabbatical from my “day job” to go hunting for an original copy of the Gutenberg Bible. 180 copies were printed – yet only 49 are known to exist. *Where are those other copies.* Sure, some have likely been destroyed since the 1450’s. But I am certain there are a few laying around – unknown and unrecognized – crawling with dust mites and veiled in darkness – just waiting to be discovered. By Petersen. . . .

The original log books of Christopher Columbus have disappeared. *Where are they?* They too are probably gathering dust. Somewhere.

And then there are the original manuscripts of William Shakespeare’s plays. *None* have ever been found. In fact, only six examples of Shakespeare’s autograph are known to exist. There is literally no source material which confirms that William Shakespeare – or *anyone* – wrote those magnificent works of literature.

Twenty plus years ago, I was in the prime of buying and selling. But today those times are past. As everyone here knows we are *all* subject to the tyranny of the clock. And so – given circumstance and advancing age (a lot of that going around), I have concluded that it is best to start “deaccessing” my “stuff.” And so I have. I have sold off a lot of the miscellany and residue. In lots or as individual items. Though I still have a bunch of stuff remaining. And I still have a “nose” for what is good – and what I can . . . arbitrage.

At this point, though I do not wish to burden my family with the question of “*what in the WORLD do we do with these letters of Mario Pei, Franklin McCormick, Horace Binney, and Eddie Kean?*” So “deaccession” seems to be a logical tack.

There is, though, a “*however*” looming to pounce. There is *one* collection which I am keeping – at least for now. It is a collection that is rare and took decades to acquire. It is a complete collection of handwritten letters or documents of all of the Justices of the United States Supreme Court. It is one of the three complete collections in private hands. I am a lawyer so there’s some logic to keeping such a collection. And I have always been fascinated by the scribblings of those who have served that high court.

The United States Supreme Court is the highest federal court in America. It was established by Article III of the Constitution in 1789 and it has ultimate and final authority over all federal and state courts involving issues relating to federal law. The Supreme Court is interesting on several levels.

In 1809 – our United States Supreme Court held hearings in Long’s Tavern in Washington DC. From 1815 to 1816, they met at Bell’s Tavern. The Supreme Court bounced around a bit until 1935 when the current structure was built.

Today, if you look at the frieze on the North Wall of the chamber, there is an image of Muhammed – issuing a *fatwa*. The Wall also boasts an image of the Ten Commandments. This juxtaposition of religious symbols was intended to show impartiality toward religion.

Only one President of The United States has argued a case in front of the Supreme Court. John Quincy Adams in 1840. He argued a case in front of Justices that he had appointed. I wonder who won. . . .

William Cushing was the last Justice of the Supreme Court to wear a white, powdered wig – in the British tradition. When Cushing showed up for his appointment on the Supreme Court in 1790, Thomas Jefferson had some choice words for Justice Cushing:

“If we must have peculiar garbs for the judges, I think the gown is the most appropriate. But for heaven’s sake – discard the monstrous wig, which makes the English judges look like rats peeping through bunches of oakum.”

One President has served as a Justice on the United States Supreme Court – William Howard Taft. Taft served as Chief Justice eight years *after* leaving the White House.

Apart from being the “highest court in the land,” the United States Supreme Court boasts the “highest *basketball* court in the land.” On the top floor of the Supreme Court building is a full – indoor – basketball court. It’s been there since the 1940’s.

The “Call to Order” of the Supreme Court would put some people to sleep. *“Oyez! Oyez! Oyez! All persons having business before the honorable, the Supreme Court of the United States, are admonished to draw near and give their attention, for the court is now sitting. God save the United States and this honorable court.”*

And so it goes. . . . with far more trivia and interesting facts than I can offer in an evening. Since the Supreme Court was founded in 1789, there have been 112 men – and four women – who have served as Justices of the Court.

The decision to collect Justices of the Supreme Court has a beginning. And that beginning as with many events in life was serendipitous.

Some 45 years ago, I visited the old Carnegie Book Shop in New York City. The Carnegie Book Shop was run by the iconic David Kirshenbaum who had been a bookseller for *eighty years*. Yes eighty years. At the age of 8, David took over selling books from his father's book cart. David was sadly closing the doors after nearly a century in business. I wandered around the shop. There were some neat old books. But my interest was more in the handwritten word. I approached David and got down to business.

“Have you got any old manuscript material? Any old letters, documents or autograph stuff?”

“Oh, I’ve got a few file folders of miscellany” was the answer. And he pulled a small stack out of a drawer and plopped it on the counter. I leafed through the files and concluded that the material was interesting. We agreed on a modest price for the lot and I brought the “stuff” home. I went through it – cursorily – there was nothing of immediate interest and then those folders sat in a file cabinet for several years.

Then – I remember with clarity on a cold snowy Saturday or Sunday evening, I pulled out the old Carnegie Book Shop files. And I began to go through the items one by one.

I came to a letter dated March 10, 1827. The letter began . . . “*I don’t know when this [letter] will find you. . . .*” That was a pretty seductive introduction. I read on. It was a three page letter signed “William Johnson.” *William Johnson.* My curiosity piqued, I pulled a biographical dictionary off the shelf (we didn’t have Google then) and I learned that *this* William Johnson had been a Justice of the United States Supreme Court. The signatures matched perfectly. Supreme Court eh??

And after doing a little reading and research, I learned that William Johnson’s signature was somewhat uncommon. A little further digging revealed that – it was downright rare.

So I thought to myself – *maybe I should start collecting famous lawyers and Justices of the Supreme Court.* So I put the letter of William Johnson aside and I began to scour dealer listings and auction catalogues for fairly-priced letters of Justices. And so I began to acquire. One by one. It has taken thirty plus years (and obviously the process is ongoing) but I now have handwritten exemplars of Jay, Marshall, Brandeis, Frankfurter, Cardozo, Rehnquist, Neil Gorsuch and everyone in between.

In my presentation twenty years ago, I lamented that I needed *one* Justice to round out a complete collection of Supreme Court Justices. The fellow I was looking for was William Cushing – the man dissed by Thomas Jefferson for wearing a powdered wig to the office. Cushing had been born in Scituate, Massachusetts, in 1732 and he died in 1810. Cushing wasn’t much of a lawyer even by the charitable standards of *his* day. In addition to wanting to wear a

wig, Cushing was notorious for his inability to make a decision. Despite serious professional shortcomings, he was appointed by his pal, George Washington, to serve on our nation's first high court where he waffled and wobbled for twenty years until his death.

After that January 1998 presentation, as I mentioned, I sent copies of my paper to friends and colleagues. I am pleased to report that a lawyer in Texas called me telling me that he had an "ALS" (short for "*autographed letter signed*") of William Cushing on his wall. We agreed on a price. And I now have William Cushing. So I have The Chicago Literary Club to thank for rounding out my collection of Supreme Court Justices. And, of course, hitting the *truly* high note of getting Hank Sauer's autograph.

My collection of Supreme Court Justices is housed in a safe deposit box. It has not seen the light of day for some years. It just sits there. Fortunately, there are no dust mites or book lice. Or four-legged critters scampering around. One of the reasons that there are so few complete collections is that some of the Justices – like William Cushing – are so rare that their letters, signed documents or signatures *never* come to market.

In the world of American autographs, the rarest signature is that of Button Gwinnett. Button Gwinnett was one of 56 Signers of the Declaration of Independence. Gwinnett - who signed for the State of Georgia – was killed in a duel at the age of 42. There are 51 known examples of Gwinnett's handwriting (only ten are in private hands). The last sale of a Gwinnett letter or document

took place several years ago. The price was \$722,000. Sadly I don't have any Button Gwinnett letters.

In the world of Supreme Court autographs, there are seven that are considered *very* rare: John Rutledge; Thomas Todd; Robert Trimble; James Iredell; John Catron; and Alfred Moore. Of the group, the Button Gwinnett of the Supreme Court is *Alfred Moore*. Now mind you, Alfred Moore's autograph doesn't come close to the financial demands of Button Gwinnett – simply because *far* more people collect Signers of the Declaration of Independence than Supreme Court Justices. But for a signature of Alfred Moore, the price can approach five figures.

The reason that Alfred Moore's autograph is so rare is that he wrote very little. Moore was born in North Carolina in 1755. He "read law" with his father who was a judge. Moore was licensed to practice in 1775. During the Revolutionary War, he served as a colonel of militia – harassing the British whenever and wherever. After the War, he became a state representative. And in 1782, he was elected Attorney General of North Carolina. In 1798, President John Adams appointed Moore to serve as a Justice on the United States Supreme Court. Moore was appointed to succeed James Iredell, another North Carolina Justice. Yet despite serving in various public offices Moore's handwritten words are virtually non-existent.

Alfred Moore's tenure was *short* and unimpressive. He served from 1799 until 1804 when he resigned due to ill health. Moore died in 1810. Despite serving not quite five years on the bench, he wrote only one decision – the case

of *Bas vs. Tingy* which concluded that France was an enemy in the undeclared “war” of 1798. Moore’s scant contribution led Bernard Schwartz in his book *A Book of Legal Lists* to rank him one of the worst Justices in the history of the Supreme Court. And it also placed him on the list of one of the *shortest* tenures of a Supreme Court Justice.

There is another distinction held by Alfred Moore. He was the *shortest* of Justices ever to serve on the United States Supreme Court. Alfred Moore was all of four feet five inches tall. It is speculated that Moore may have had a growth disorder given his height. Yet despite these *shortcomings*, Moore achieved a position of incredible prominence for an abbreviated period of time.

The Alfred Moore autograph that I have is a document signed in 1790. It is signed “A. Moore.”

So – I have William Cushing. *And* I have Alfred Moore. I wonder if these fellows ever thought their letters would end up in Petersen’s safe deposit box.

Autographs and manuscripts. A passion. An avocation. A vocation.

As George C. Scott said in his portrayal of George Patton, “*I have faults but ingratitude is not one of them.*” So I have to thank The Chicago Literary Club. For the chance to present that paper twenty years ago. Because it led to the acquisition of autographs of William Cushing. And most importantly -- Hank Sauer. In the words of Paul Harvey – “*And now you know the rest of the story.*” Or at least a good part of it. . . .

Thank you.

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