

PROLOGUE

May there not after all be a possible ambiguity in truth?

—William James

On a cloudy October afternoon in 1907, a telegram arrived in Portland, Oregon, from the United States Marine Corps: DEATH BY SUICIDE OF LIEUTENANT JAMES N. SUTTON REPORTED FROM ANNAPOLIS. INQUEST ORDERED. NO FURTHER PARTICULARS RECEIVED. Within thirty-six hours a swift and efficient naval inquest confirmed that the young officer had committed suicide. Newspapers on both coasts proclaimed that “Jimmie” Sutton shot a bullet through his brain, though a few reports hinted that mysterious circumstances surrounded his death.

But then something astonishing happened. The dead lieutenant’s mother saw a “vision” of her son who denied the charge and asked her to clear his name. As a Catholic, Rosa Brant Sutton believed suicide was a mortal sin; if the navy was correct, Jimmie would spend eternity in hell with no chance of being reunited with his loved ones. Fueled by her faith and her son’s apparent postmortem appearances, Rosa embarked on a pilgrimage to save his soul. Her spiritual journey soon became a political one that took her from Portland, through the corridors of power in Washington, D.C., to a naval courtroom in Annapolis, Maryland, and finally, face-to-face with Jimmie’s corpse in Arlington National Cemetery. By 1909, this Oregon family’s tragedy had become a cause célèbre in the headlines of big-city papers across the United States. America’s aggressive press corps did not just report on the bizarre circumstances of the case. Newspapers brought their own often disparate standards and objectives to a search for verifiable truth in the face of daunting (and haunting) odds.

This book is the true story of an attempt to sort fiction from fact that preoccupied millions of Americans a century ago. A murder mystery, ghost story, and courtroom drama, it explores the conflict between democratic values and military justice in the era when the mass media was born. Was Lieutenant James N. Sutton murdered by a fellow marine? Did his spirit really appear to Rosa Sutton in the weeks after he died to explain what happened? Members of Congress, military officials, attorneys, doctors, and journalists all struggled with such questions and their broader implications. Ultimately, Rosa would turn for help to two men who approached the afterlife from entirely different perspectives: James Cardinal Gibbons, the highest official in the American Catholic Church, and James Hervey Hyslop, America's foremost psychical researcher.

A NEW ERA

In 1907, novelist Jack London wrote, “never in the history of the world was society in such terrific flux as it is right now.” Americans of the Progressive Era—better educated than ever before—demanded that their government work toward the common good. In a nation permeated by the rhetoric of civic and social reform, men and women fought vigorously to solve social, economic, and political problems. As new technologies and machines relieved them from household chores, more and more women were free to enter public life. In the last two decades of the nineteenth century, while Rosa Sutton raised a family of five children, the inspiring words of activists spurred many (but by no means all) middle-class women to begin the long battle for suffrage. Their first successes would be in states west of the Mississippi, in Wyoming, Utah, Colorado, and Idaho. In October 1902, a few days before she died, Elizabeth Cady Stanton received a letter from fellow suffragist Susan B. Anthony about the enormous gains that women had made in the previous half century. One of these was “the fully admitted right to speak in public.” Such conditions helped to inspire and transform Rosa's crusade for justice and the nation's emotional reaction to it.

During the two years after her son died, Rosa's shock and depression turned into anger and ultimately to “righteous indignation,” a phrase coined by one of her contemporaries, investigative journalist Ida M. Tarbell. As Rosa learned more about what had happened to Jimmie, her goals expanded, and she demanded government accountability. Rosa's assertion that “no official conduct should fear publicity” echoed the sentiments in muck-

raking magazines such as *McClure's* and those in city papers across the country. Hoping to rally “the great American people,” she wrote to an ally in the Marine Corps: “If we cannot get justice through the courts every newspaper in the United States shall have the facts as we have them and then see what the opinion of the world will be.” By the spring of 1909, this feisty forty-seven-year-old mother was the driving force behind what the *Baltimore Sun* described as “one of the most remarkable inquiries of its kind ever conducted in the Navy.”

A NEW JOURNALISM

“There is nothing which will make the eagle shriek louder than the shadow of a muzzle for the press,” John L. Given declared in 1907 in *Making a Newspaper*. At the end of the nineteenth century, the nation had become a neighborhood, and its newspapers proliferated. New modes of transportation and communication led to the exploding population of America’s cities. “Public opinion” was no longer confined to the educated middle classes—a vast urban and immigrant population now turned to morning, afternoon, and evening papers for information and entertainment. For reporters, the story of a heartbroken mother confronting a military bureaucracy proved irresistible; the paranormal aspects of the Sutton story only added to its potential to fascinate.

In an age of mediums, bestsellers about the supernatural, and parlor games such as Ouija boards, table tipping, and fortune telling, the fact that Sutton’s ghost had appeared to claim his innocence made absorbing copy. Rosa Sutton’s story would compete for attention on the new wire services with the Wright brothers’ daring flights, urban calamities, or any one of several grisly criminal trials. All the major New York papers, including respectable ones such as the staid *Evening Post* and the *New York Times*, followed her campaign. The case also stimulated the decade-old circulation war between Joseph Pulitzer’s *New York World* and William Randolph Hearst’s *New York Evening Journal*. In Boston, Philadelphia, Washington, D.C., Atlanta, New Orleans, St. Louis, Cincinnati, Chicago, Denver, Portland, Los Angeles, and San Francisco (to name a few cities), Americans also read daily accounts of Rosa’s efforts on Jimmie’s behalf, usually on their papers’ front pages with large headlines above the fold.

When the navy agreed to a second investigation, men and women from all walks of life acquired a stake in its outcome. Their newspapers gave them a forum for concerns about naval justice, conditions in their service

academies, and at the end of Rosa's crusade, about life after death. But it was the possibility of a government cover-up that for months drew the attention of journalists from a wide spectrum of newspapers. As the *New York Times* observed, the case was not just about the death of one young officer; Rosa stood for all citizens for whom justice was "belated, reluctant and coerced." This last word was clear and self-congratulatory on the part of the editor. It was the threat of disclosure that had caused the administration to reopen the case—at least that seemed to be the situation. The navy, after all, depended on the support of the American people and their representatives in Congress.

MILITARY JUSTICE

This account follows a mother on her tumultuous journey; it is also the story of a proud and honorable Marine Corps plunged into the center of public discourse. With a culture steeped in tradition and the motto *Semper Fidelis*, the marines' hallowed rituals were just as sacred to them as Rosa Sutton's mission was to her. The unprecedented investigation of Sutton's death forced the government's representatives to deliberately cultivate favorable public opinion within a military forum. Americans became fascinated by three second lieutenants in their twenties whose family histories, complex personalities, and military training shaped the way they responded to Jimmie Sutton and to each other. Among the men in charge of these student officers, no one was more concerned with the good of the service and with his own reputation than the commander of the Marine Corps Application School, Charles Doyen. No marine was more conscientious in handling the 1909 investigation than the Corps' brilliant judge advocate. Already a war hero at thirty-three, Harry Leonard would prove a formidable match for a determined mother and her distinguished attorneys and for America's relentless reporters.

The Sutton Inquiry highlighted the distinctions between civilian and military justice a century ago. Naval justice—spelled out in the Articles for the Government of the Navy ("Rocks and Shoals")—was unfamiliar to most Americans, a fact that added to the mystery and the appeal of the case. Before the World War I, Courts of Inquiry and courts-martial had only rarely attracted national attention. Their concerns were specific to the military, with men accused of assaulting a superior officer, of desertion, neglect of duty, drunkenness, or mutinous conduct—all examples of "conduct unbecoming an officer and a gentleman." Navy courts focused not on an

individual's rights but on reinforcing command authority, the strong discipline essential for an effective fighting force and the good of the service. In the mid-nineteenth century, when a naval investigation centered on a sensational story such as the 1842 court martial of Alexander Mackenzie for hanging three young seamen on the brig-of-war *Somers*, the reach of America's press corps was still limited. But in 1909, the presence of a psychic mother in front of a naval court put its procedures under a national spotlight. Mrs. Sutton may, in fact, have been the first woman to become an official complainant in a naval court proceeding in the United States.

Once the formal inquiry began in the summer of 1909, Major Leonard and the Suttons' attorney, Henry Davis, engaged in a battle of wits as they debated legal and procedural issues with eloquence and zeal. The questions asked of civilians, and of officers and enlisted men, by the judge advocate and by Davis, a stranger "to the usages of the law" in this military court, were often as revealing as their answers. Leonard was forced to explain and defend naval justice to citizens and journalists who were already skeptical about Mrs. Sutton's chances of a fair hearing from three judges who were Naval Academy alumni. And the spiritual component of the case gave Harry Leonard an even more complex public relations challenge. Christian values were still a fundamental part of the education of most American school children; Catholicism was by then the largest religious denomination in the country. The Marine Corps, it appeared, was responsible for both the death and the afterlife of Lieutenant James N. Sutton. What was more important for the good of the service, six officers' honor or one officer's soul? If the three-man court did not find a way to free the late Lieutenant Sutton from the stigma of suicide, his irrepressible mother counted on nationwide publicity to ensure that her Church and its clergy would judge his guilt or innocence for themselves.

The alleged appearances of Lieutenant Sutton's ghost were less of a problem for the judge advocate than was the fate of Sutton's soul. Major Leonard found a way to use Rosa's visions to attack her credibility in the courtroom, in the newspapers, and before members of Congress. Leonard and Arthur Birney, the attorney for the Marine Corps officers who had been made defendants, would argue that Rosa's charges were based solely on "hallucination, fancy and dreams." And millions of Americans would weigh the Navy Department's arguments as they followed the day-to-day testimony in the only media available at the time.

Between 1907 and 1910, Lieutenant Sutton's death took on a much greater significance for the world at large than his life. One reason is that the key protagonists in this story, Rosa Sutton and Harry Leonard, were

such intriguing adversaries. Smart, edgy, and opinionated individuals with strong moral fiber, each defended something sacred to a large number of Americans. Their views had been shaped by hierarchical institutions with larger-than-life missions. Both America's Catholic Church and her Marine Corps had cultural expectations for their members; they demanded total loyalty and a commitment to absolute truths, which in the normal scheme of things would not be incompatible. But in this case they were. An alien in the naval courtroom because of her gender and her goals, Rosa's frontier roots, bold, spontaneous temperament, and unfashionable clothes did not play well in the more refined and formal social circles of Annapolis. And the journalism of the era was not without its own biases—correspondents took full advantage of the sympathy most civilian readers had for Mrs. Sutton's predicament.

MEMORY AND TRUTH-TELLING

Extraordinary primary sources exist to reconstruct the Sutton case; these include Marine Corps and naval officer application and examining board files, government correspondence, legal analyses, autopsy reports, and more than a thousand newspaper articles. The most important source is the record of the 1909 investigation. With close to 1,500 pages of testimony plus exhibits, it provides a unique window into naval justice, society, and the power of the press in the decade before World War I. But these plentiful sources are not infallible. The officers and civilians who testified about Jimmie Sutton's death at the inquiry, and the men and women in Oregon whose signed statements verified Rosa's accounts of his ghostly appearances, were asked to remember events that had occurred two or three years previous. Their recollections reveal the dichotomy between reality and memory that became a critical factor in weighing the evidence about this case. This book explores the values and attitudes of several of these witnesses and of those who tried to solve the case—each of whom experienced the tragedy differently, defining the truth through the lens of his or her own belief system.

Sutton's death had seemed simple at first. According to his death certificate, he had been in

an altercation with fellow student-officers at the U.S. Marine Corps School of Application after which Mr. Sutton attempted to shoot several of his fellow students, inflicting slight wounds on two of them. He

was thrown to the ground in an attempt to wrest the revolver from him, but before this could be done, and while lying on the ground, he turned the pistol against himself and fired the shot into his brain.

These statements, signed by a doctor not present at the scene, were based on “eyewitness” testimony from men who could be implicated in his death. Officers who had not been under oath in 1907 swore to tell the truth in 1909. But a few of the men changed their stories or fell back on a failure of memory—its elusive qualities had begun to fascinate scholars just before the turn of the last century. The Suttons’ attorney had no doubt that some of the witnesses were lying; his opponent’s defense would be to remind the court that “men do not recall things in the same way” and “memory plays strange tricks.” And what of the late Lieutenant Sutton, accused of self-murder in 1907, who had reportedly denied his guilt since then? Is the testimony of a spirit any more reliable than that of a living man? The question—absurd to the uniformed men in the courtroom—was taken seriously by a number of intelligent people. This book begins with no assumptions about the validity of specific marines’ testimony, the credibility of Rosa Sutton’s apparitions, or even the accuracy of reporters’ recollections but instead considers the fragility of memory and eyewitness accounts, no matter whose they are.

Most memories are not distorted, but they can be transformed over time. The first scientific work on remembering and forgetting was published in the year Jimmie Sutton was born. In 1885, German experimental psychologist Hermann Ebbinghaus demonstrated by controlled experiments using his own memory how and why certain memories are harder to recall as time passes. He also underscored the “endless number of differences” in individual memories. Since then, scholars have analyzed many factors that influence our ability to retrieve accurate information about our prior experiences. If a person has been preoccupied with an event (or a vision) and has rehashed it again and again, retention and retrieval might be more reliable than it might be for others who have tried to forget what happened. In a courtroom, when a witness is asked certain types of questions, information within the question itself may have a direct and lasting effect on how a person recalls an incident. Reporters may also ask leading questions that influence the content of the answers they receive. Personal biases and codes of behavior can shape our memories, as can cultural stereotypes, expectations, and a person’s age. Witnesses may become increasingly confident about what they are saying the more they rehearse their testimony. Moreover, for accurate retrieval, a witness must have been in a position to

pay attention to what is going on around him or her. If a situation was not well illuminated or if events happened quickly and violence or fear was involved, witnesses' memories could be less reliable. Most people think that a traumatic event is easier to recall than a non-violent event, but research has shown that is not always the case. Was the witness under extreme stress? If there was a gun or weapon involved, a witness might focus intently on it rather than on the surrounding details or even the identity of the person with the weapon. All of these variables make it hard to determine the credibility of a witness with a faulty memory.

One thing is clear from the huge paper trail left by this case. A century ago, American culture prized the concept of truth, even as philosophers debated its meanings and criteria. Americans still do—the debate continues in countless books, articles, and multiple forms of media. This story was and is not just about individuals but rather about timeless questions that defy easy answers. The men and women who tackled the murky circumstances of Jimmie Sutton's death and his thwarted afterlife saw and heard things differently. So it is up to the twenty-first-century reader to make sense of the journey of these military men and the Oregon woman who confronted them and to appreciate how complex it was to decipher the intentions, the instances of self-delusion, the lies, and the selective amnesia of the key participants on both sides of this case.

A question that preoccupied many people then—especially psychical researcher James Hyslop—was “do the so-called dead communicate with the living?” For those interested in history, they certainly do through the documents and artifacts they have left behind. With these imperfect remnants of the past we can construct a story that is at best an earnest effort to be faithful to the truth. The real facts about Lieutenant Sutton's death may be sought by corroborating as much evidence as possible, while keeping in mind historian William Cronon's observation that “memory and history have their different truths; neither of which can be evaded if we wish to know ourselves, each other and the world around us.”