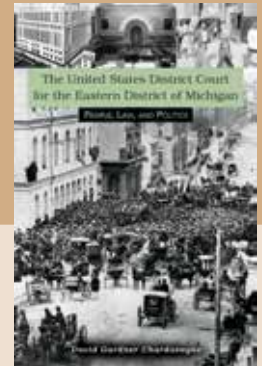


The United States District Court for the Eastern District of Michigan: People, Law, and Politics

By David Gardner Chardavoyne, published by Wayne State University Press (2012), 440 pages, hardcover, \$39.95

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Reviewed by Margaret A. Costello

“If a scribe does not put it in a book;
In no other way can it last or live.” (p 1)

—Wace, *Le Roman de Rou*
(*The Tale of Rollo*),
Part III, lines 131–42

David Chardavoyne takes this quote to heart in his detailed chronicle of the United States District Court for the Eastern District of Michigan. The book not only provides a history of the court, set out chronologically from 1837 to 2010, but also presents an overview of the history, culture, and politics of Michigan during the past 175 years. Chardavoyne takes us from the establishment of the federal judicial system in 1789 and Michigan’s first federal court in 1837 (73 cases filed) to the present, and ends with challenges facing the federal court system today.

The book is recommended reading not only for those with an interest in legal history but also for students of civil procedure, architecture, sociology, economics, and Michigan politics. The cases before the court reflect the history and laws that have impacted Michigan: the Great Panic of 1837; Canada’s Patriot War of 1838; the Bankruptcy Act of 1847; the Fugitive Slave Act, which resulted in the famous Crosswhite incident; the Civil War and post-war statutes; Prohibition and liquor law violations; World Wars I and II and cases of espionage; the Great Depression and numerous cases filed against financial institutions; Communism and alleged violations of the Smith Act;

the Civil Rights movement, which brought race discrimination and school desegregation cases; government wiretapping, illustrated by the *Keith* case; and affirmative action issues raised in the University of Michigan *Bollinger* cases. Chardavoyne presents a number of case histories, including both famous and obscure cases, and colorful short stories that provide background and add interest.

The judges of the court are portrayed in a human, yet respectful, manner, revealing their styles and personalities. Reading his quotes, one can imagine what it might have been like to appear before Judge Tuttle, who spent 32 years on the federal bench and worked from his hospital bed until close to the time of his death. After sentencing Anthony Chebatoris, who was convicted of bank robbery and murder, to death under federal law, Tuttle refused to move the execution out of Michigan, which never has imposed the death penalty. He stated that “it would not be in good taste to select the territory of a neighbor for the performance of an unpleasant duty.” (p 220) At a citizenship hearing of Kurt Ludecke, who had praised Nazi racial doctrines, Tuttle described Ludecke as a “gambler and crook,” “anti-everything,” and “as dumb as an oyster in the shell.” (p 230) Tuttle was no less tolerant of administrative bureaucracy, as can be gleaned from his response to an inquiry regarding how much electricity his chambers used and from where it was generated: “I know nothing more about the quantity or origin of the electricity used in

my office for light than I do about the oxygen used for breathing.” (p 197)

In the context of the court’s history, the reader will encounter various little-known or forgotten facts of interest, which may prove useful in a game of “Eastern District Court Trivia.” For example:

- U.S. District Judge Feikens served twice as a district judge.
- The first woman to serve as clerk of any federal district court was Carrie Davison of Michigan.
- Mayor Coleman Young of Detroit was not in favor of litigation to integrate public schools. He believed that efforts were better invested in African Americans gaining political power.
- William Sayles, master of chancery of the U.S. Court for the Eastern District of Michigan and former dean of Detroit College of Law, committed suicide by jumping to his death from the 28th floor of the Book Cadillac Hotel on December 21, 1936, landing in the midst of Christmas shoppers on Michigan Avenue.
- Paul Komives, the first magistrate appointed in 1971 to the U.S. Court for the Eastern District of Michigan, continues to serve in senior status.
- William Howard Taft was a circuit judge in Michigan before becoming president of the United States. The most famous case over which he presided while circuit judge was filed in 1892 by the city

of Detroit under Mayor Hazen Pingree against the Detroit City Railway Company, seeking to terminate the company's contract. The suit alleged that the contract extension had been obtained by bribes—a seemingly recurring theme later found in the Vista trials of the Young administration and the more recent Ferguson trial of the Kilpatrick administration. When Pingree became mayor in 1889, Detroit was “known nationally as the most corrupt city government in the country.” (p 131)

- Max Stephan, a convicted perpetrator of capital treason during World War II, had his sentence of death by execution commuted to life in prison by President Roosevelt in 1943, just hours before the scheduled execution.

No history spanning 175 years would be complete without some scandals, and Chardavoyne recounts such incidents. One involved Walter Harsha, clerk of the circuit court for 24 years. In 1906, during what appeared to be a routine audit by the U.S. Department of Justice, it was determined that Harsha had embezzled up to \$30,000 by regularly inflating his estimated fees for services and reporting only a portion of those fees. Harsha was suspended and resigned, as did his niece, who was deputy clerk in Bay City. After resigning, he refused to repay the deficiencies in his account and the U.S. sued him. The proceedings dragged on, but ultimately Harsha repaid approximately \$12,000—twice his annual salary. This case and others like it caused court clerks to be put on a salary paid by the government rather than from fees charged.

Another colorful scandal occurred during the Prohibition era. It involved the somewhat notorious Chester “Big Chet” Le Mare, known as the Vice King of Hamtramck. Le Mare is said to have run 150 brothels, 400 saloons, and open gambling in Hamtramck from his Venice Café. The corruption became so widespread that the governor ordered the state police to take over city government. Ultimately, the mayor, director of public safety, and police lieutenant of Hamtramck were indicted (along with more than 40 others, most of whom pled guilty). The three were tried by Judge Tut-

tle, convicted, and sentenced to two years in prison. Le Mare, however, received probation after promising to “go straight,” but later returned to crime, got involved in mob activities, and was killed in Detroit by his own bodyguard.

The most recent scandal involved the bankruptcy court. It began shortly after enactment of the 1978 bankruptcy reform act, which created a new bankruptcy court with an independent administration and a new category of judge, and involved “lascivious tales of drinking and sexual escapades....” (p 349) On-the-job drunkenness and sexual misconduct were rumored to regularly occur. A court intake clerk became romantically involved with a prominent bankruptcy attorney, and in exchange for thousands of dollars, she assigned his cases to judges who awarded higher attorney fees. The couple socialized with Judge Hackett, a bankruptcy judge who apparently received favors from the attorney and, in exchange, granted him suspiciously high attorney fees. Additionally, the clerk of the bankruptcy court was indicted on charges that he had purchased items from a bankruptcy estate. Judge Hackett, the bankruptcy court clerk, and the intake clerk resigned. The attorney and intake clerk were convicted of fraud, conspiracy, and bribery, and sentenced to prison. As a result, the bankruptcy courts were placed back under the control of the district courts.

Chardavoyne's research is impressive, and the book contains a comprehensive bibliography. The book's weakness is the sometimes extraneous detail—the exact dinner

menu of what was served after the Bay City courthouse opened, for example—and repeated references to statistics, which affect the flow and readability.

The United States District Court for the Eastern District of Michigan will be a valuable reference. It contains an extensive history of the court's personnel and relatively detailed biographies of all the judges except those most recently appointed. The appendices list all the clerks of court, magistrates and magistrate judges, and U.S. marshals, as well as the judges and chief judges of the Eastern District of Michigan. Also included is a table listing the number of criminal, U.S. civil, and private civil case filings from 1837 to 2010. The book contains numerous photos, including those of the judges and many of the courthouses as they were built or remodeled. It should be a welcome addition to any legal history collection and hopefully will be regularly updated. ■



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