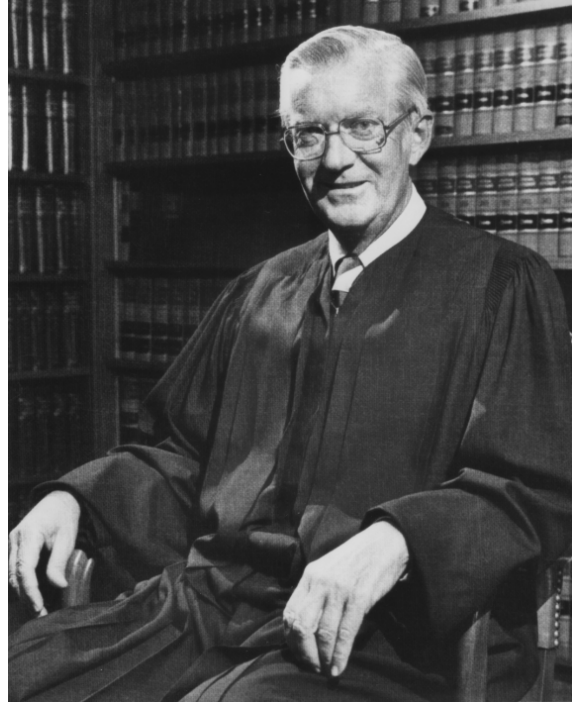


United States District Judge James Harvey, Retired 1922-2019

Most people ascend to the federal bench through their work as lawyers and state court judges. But U.S. District Judge Russel Harvey did so by serving as a Saginaw mayor and councilman followed by seven terms in the U.S. House of Representatives.

“The decade of the Sixties – I can’t begin to describe – through the John F. Kennedy assassination, the Robert Kennedy assassination, the Martin Luther King assassination, the Vietnam War,” Harvey told the Historical Society for the U.S. District Court for the Eastern District of Michigan in the mid-1990s. “They were very difficult years and difficult times to be a congressman, believe me. There was great stress. But great memories, too.”



Harvey, 97, died Saturday, July 20, 2019 in Naples, Florida where he resided.

Russell James Harvey was born in Iron Mountain on July 4, 1922, the son of a self-employed logger. His mother was an English immigrant and homemaker.

After graduating high school in 1940, Harvey enrolled at the University of Michigan, planning to become a school teacher. But he enlisted in the Army Air Corps in 1942 after war broke out with Japan and Germany.

He had hoped to become a pilot but “washed out” of flight school.

“It was one of the saddest days of my life,” Harvey recalled in an interview with the historical society. But he excelled in navigation, attained the rank of first lieutenant and spent a year instructing navigators and bombardiers at Langley Field, Va. The war with Japan ended before he could be sent to the Pacific as a navigator on a Boeing B29 Superfortress.

Harvey returned to the University of Michigan which waived his undergraduate requirements based on good grades, enabling him to enroll in U-M Law School on the GI Bill. He received his law degree in 1948.

The same year, he married fellow student June Elizabeth Collins. They had two children, Diane and Thomas.

In 1949, Harvey landed a job as an assistant city attorney in Saginaw. From 1953-60, he practiced law there, part of it as a partner in the Smith, Brooker and Harvey law firm. Voters elected him to a two-year term on the Saginaw City Council in 1955 followed by a two-year term as mayor in 1957.

In 1960, he was elected as a Republican to the U.S. House of Representatives and served seven terms. He was a member of the House Banking, Public Works and Interstate and Foreign Commerce, and House Administration committees.

His fondest memories included meeting 10 U.S. presidents.

In 1973, President Richard Nixon nominated Harvey to the U.S. District Court in Eastern Michigan at the urging of U.S. Sen. Robert Griffin, a fellow Michigan Republican. The U.S. Senate confirmed his appointment on Dec. 19, 1973, and he entered duty on Feb. 1, 1974.

The transition from congressman to judge was difficult, Harvey said, because he hadn't practiced law in 14 years and had never served as a state judge. But he persevered and spent the next 18 years presiding over cases in federal courthouses in Detroit, Bay City, Flint and Port Huron.

Five of his cases wound up before the U.S. Supreme Court.

The most newsworthy one involved the Dow Chemical Company, which sued the U.S. Environmental Protection Agency for conducting warrantless aerial photography of its plant in Midland. Harvey ruled in favor of the company in 1982, saying the EPA's conduct constituted an unreasonable search under the Fourth Amendment and violated Dow's reasonable expectation of privacy. The U.S. 6th Circuit Court of Appeals reversed Harvey and the U.S. Supreme Court agreed.

"It didn't bother me that I got overruled" Harvey recalled. "It was a close case. The decision could have gone either way."

Judge Harvey made headlines with other decisions.

In 1974, he ordered Michigan recreation officials to allow two 16-year-old girls to play in a slow-pitch softball state championship. State rules required girls to be at least 17 to play, but there was no such age limit for boys. Harvey also dispatched deputy U.S.

Marshals to a Dearborn tournament site to prevent anyone from interfering with the girls, the star players of their team.

In 1977, Harvey ruled that the Saginaw County Jail was violating the rights of prisoners by denying them regular physical exercise and visits from family members and subjecting them to arbitrary punishment from guards. Harvey gave the county 30 days to come up with a plan to correct the problem.

In 1979, he sentenced Detroit mob captain Anthony Giacalone, then 60, a suspect in the disappearance of Teamsters boss Jimmy Hoffa, to 12 years in prison for a loan sharking conspiracy.

In 1988, Judge Harvey upheld the city of Warren's right to ban an adult bookstore from opening on the city's south side. The owner said the city violated her constitutional rights; the city said the store's booths, raised dancing floor and lighting didn't comply with the city building code.

And in 1990, he ordered a Southfield man to stop filing federal lawsuits challenging the existence of the state of Michigan. The man had sought \$100 million in damages, alleging that the state "creates and maintains a secret conspiracy and racketeering organization of lawyers and judges contrary to the federal Constitution, thereby ending its lawful existence as a state."

During his time on the bench, Harvey served as vice chair of the National Conference of Federal Trial Judges, on the Board of Visitors of the University of Michigan Law School and as a member of the Budget Committee of the U.S. Judicial Conference.

Harvey went on senior status with a partial caseload on March 29, 1984, and retired on June 29, 1992, to Naples, Fla., with his wife. She passed away in February 2016. Their two children died in adulthood. He has four grandchildren.

"Really, I don't think that in my career I had any breaks, any instances where somebody gave me a break or an opportunity and, as a result of that, I did this or that," Harvey told the Historical Society. "Most of the breaks were because I had self-motivation and because I set out to do something and I did it."

Asked how he would like to be remembered, Harvey said: "As a fair judge."

Funeral arrangements are pending.

Researched and written by David Ashenfelter, Public Information Officer.