

Michigan Lawyers in History

Homer S. Ferguson

By Carrie Sharlow



The state of Michigan was built by the lumber and auto industries, agriculture, and the lawyers who lived, studied, and practiced here. The articles in this occasional series highlight some of those lawyers and judges and their continuing influence on this great state.

In the second decade of the twentieth century, future United States Senator Homer Ferguson left his home state of Pennsylvania and traveled to Ann Arbor to attend the University of Michigan with the intent of becoming a doctor. Two problems immediately came to the forefront: first, he forgot to bring his first-year transcript from the University of Pittsburgh;¹ second, he fainted at the sight of blood. It was an inauspicious beginning.

Homer's life seems filled with such incidents. Time and again, he faced forks in the road that led him down a different path than he may have originally intended. But each time, he showed a keen ability to adapt and journey forward.

Born in Harrison City, Pennsylvania on February 25, 1889, Homer was expected to become a miner (his father was the superintendent of the mine), a farmer, or maybe, just maybe, "a small-time judge."² Working in the local coal mine as a teenager, however, he broke his leg. With nothing to do while he recuperated, Homer turned to books and decided to become a teacher. Eventually, he rose to the position of principal of the Larimer/Export school districts.

After reaching this professional height while taking classes at the University of Pittsburgh, Homer decided to journey to Michigan for medical school, where he quickly learned he should not become a doctor. He applied to the University of Michigan Law School, but was denied admission. With no money to return to Pennsylvania, Homer made an arrangement with law school Dean Henry M. Bates that allowed him to enroll and receive credit for first-year classes with one catch: he had to obtain all As; one B and he was back where he started.³ He succeeded and graduated in 1913.

That same year, Homer married Myrtle Jones, whom he had met while teaching in Pennsylvania. Evidently, while riding to school, he splashed Myrtle with mud, ruining her clothing. With trademark Ferguson resourcefulness, Homer later apologized and got the girl in the process.

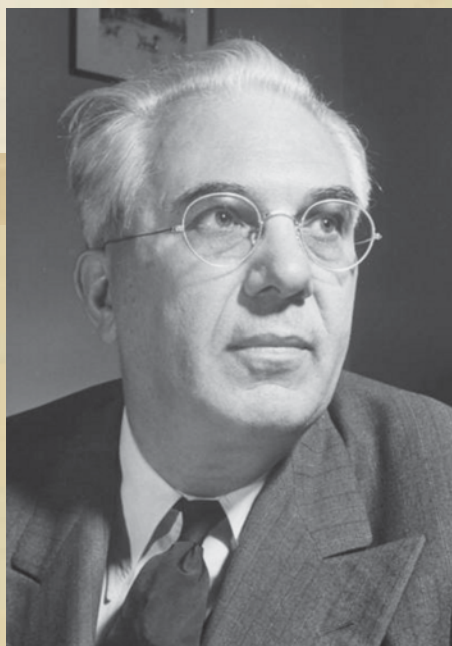
After completing his studies in Michigan, Homer settled in Detroit, where he practiced law for 16 years before being appointed Wayne County Circuit Court judge, a post he held for the next decade. He was well-known for his integrity, especially after punching a bail bondsman who attempted to "influence the judge's decision."

In the 1930s and '40s, Michigan politics had more than its fair share of corruption, bribery, murder, and attempts to influence judges. Four years before the Carr-Sigler grand jury in Lansing, Ferguson was appointed to preside over a massive inquiry into Wayne County corruption. After 6,000 witnesses and 20 million words of testimony,⁴ he cleaned house and "the Mayor of Detroit, the entire city council, [and] members of the Board of Commissioners" received jail sentences.⁵ So did the bodyguard assigned to protect the judge's family.

At the end of the trial, the Fergusons took a much-needed vacation. They returned home to a petition drive for Ferguson's election to the United States Senate. He beat Prentiss Brown and was off to Washington, D.C., in the midst of World War II.

Early on, it was noted that "Ferguson was not a very good politician. He was uncomfortable with the basic tools of the trade: exaggeration, self-promotion and a sense of timing."⁶ But he asked lots of questions, some of them very awkward. He was referred to as "the human buzz saw of interrogation."⁷ It wasn't a compliment.

While serving on the congressional investigation into Pearl Harbor, Ferguson



Homer S. Ferguson



Capitol building, Washington, D.C.

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dissented from the majority opinion absolving President Franklin D. Roosevelt and his cabinet of the responsibility for Pearl Harbor. Instead, the former judge said “it was inexcusable that the military was surprised.”⁸ When the Senate War Investigating Committee under President Harry S. Truman began looking into defense contracts and possible corruption, Ferguson rebuked the defiant multimillionaire Howard Hughes (who had obtained \$40 million in war contracts) for calling the committee members liars.

Colleagues began calling Ferguson “the hardest working man in Washington.”⁹ Not content to be known only as an investigator, Ferguson introduced a bill to add the words “under God” to the Pledge of Allegiance. He said it was his “proudest achievement” when the bill passed and was signed into law.¹⁰ It was also his last one in the Senate; he was defeated by Patrick V. McNamara in 1954.

After a quarter of a century of public service, Ferguson could have retired with honor. Instead, he accepted a post as ambassador to the Philippines in 1955. The following year, President Dwight D. Eisenhower appointed him to the Military Court of Appeals.

Once again, the human buzz saw was back in action, dissenting with majority opinions and “advocating that military personnel [were] entitled to ‘Equal Justice Under Law’ that is provided to every other American citizen.”¹¹ Remarkably enough, this had not previously applied to members of the military.

He retired from the Military Court of Appeals in 1976 and returned to Detroit. After traveling to Michigan more than 60 years earlier to become a doctor, he returned to the state as a former military judge, ambassador, senator, chairman, and circuit court judge.

Homer S. Ferguson died on December 17, 1982. He left behind his wife of almost 70 years, a daughter, six grandchildren, and numerous great-grandchildren. Several of those later generations followed in his footsteps, studying law at the University of Michigan. And at least one grandchild, able to stand the sight of blood and the dissecting room at medical school, became a doctor. ■



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If you are interested in State Bar history or have a suggestion for “Michigan Lawyers in History,” please e-mail her at csharlow@mail.michbar.org.

Special thanks to Thomas Hatch, Sen. Ferguson's great-grandson, who suggested the subject and helped with research and review.

FOOTNOTES

1. *In Memoriam*, 15 MJ CLIX (1983).
2. Chamberlain, *The Man Who Pushed Pearl Harbor*, *Life Magazine*, April 1, 1946, p 88.
3. *In Memoriam*, n 1 *supra*.
4. Chamberlain, n 2 *supra* at 90.
5. *In Memoriam*, n 1 *supra* at CLX.
6. BeVier, *Homer Ferguson: The one-man grand jury who nearly indicted the entire municipal government*, *Detroit Free Press*, January 22, 1978, p 9.
7. Chamberlain, n 2 *supra* at 92.
8. BeVier, n 6 *supra*.
9. *Id.*
10. *In Memoriam*, n 1 *supra* at CLX.
11. *Id.*