

Michigan Lawyers in History

William Henry Gallagher

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 1924, Aaron Sapiro, a California lawyer and co-op organizer, sued automotive magnate Henry Ford for libel after enduring months of anti-Semitic attacks in Ford's newspaper, the *Dearborn Independent*.¹ Ford hired James A. Reed, U.S. senator and presidential hopeful, as his chief defense attorney. He expected Sapiro to hire a "Jewish lawyer from New York."² Instead, Sapiro found Irish-Catholic William Henry Gallagher of Detroit.

The *Oakland Tribune* reflected on this perceived odd choice early in the trial: "William Henry Gallagher, attorney for Aaron Sapiro, is a rather youthful and decidedly personable and adroit practitioner of this town, not widely known in Detroit, and seeing him in action, one wonders why."³ William was only 44 and looked younger; he was animated, confident, and extremely intelligent. But, contrary to the *Tribune's* suggestion, he was well known in Detroit, having lived there for 40 years and practiced law for more than two decades. The *Tribune* writer evidently did not spend much time in Detroit if he didn't think the city knew such a favored son.

Of course, it has been more than 30 years since Gallagher's death and 85 years since *Sapiro v Ford*, so readers today may be like

the *Oakland Tribune* writer and not recognize the name of William Henry Gallagher.

Gallagher, who was often referenced as Wm. Henry in court documents, was born on October 28, 1884, in Alabaster, Michigan, the son of a recent Irish immigrant and a first-generation Michigander. Not much is known of his father, William Henry Sr., a cooper who died in his 30s. William's mother, Clementine Marion DeBrabander, became a widow at age 33 with three children and no income. The Gallagher family moved to Detroit, where Clementine ran a boarding house in the city's 6th Ward for more than 20 years.

The Gallagher children were immersed in Detroit's Catholic community. William attended St. Aloysius Parochial School and in 1903 graduated from Detroit College with high honors and the status of "gold medal graduate."⁴ By 1906, he had earned a master of arts and his LL.B. from the Detroit College of Law while tutoring fellow students in Latin, Greek, English, and mathematics and working part-time in a local law office.⁵

After graduation, William began his career as a junior member at McHugh & Gallagher with Philip A. McHugh, a prominent Detroit lawyer five years his senior. He initially found that clients were prejudiced against his youth—he was only 21—and,

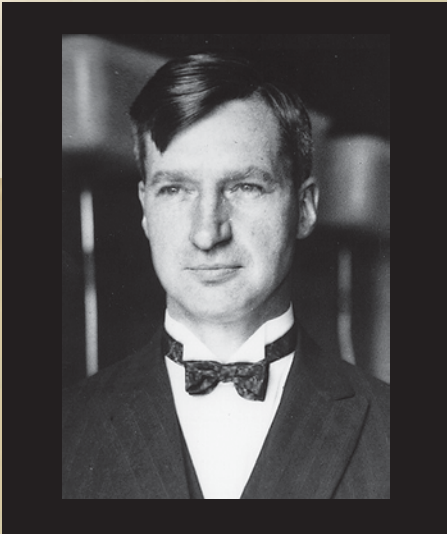
rather than specialize in any one area, he was "glad to accept any business offered."⁶ After a five-year trial period, William decided to stick with civil practice matters, and it was in that arena he would make his mark.

Less than a decade into his career, it was noted that he "brought into the practice of law, the same high ideals and abilities that made his career conspicuous."⁷ Writing in the 1920s, Detroit historian Clarence M. Burton noted Gallagher's "conscientious conformity to the highest standards of the profession"⁸ of law and his evident success.

The 1920s were a busy time. Gallagher argued more than 50 cases before the Michigan Supreme Court. He married Canadian immigrant Esther Mary Masurette and they had a daughter, Joan Eileen, in 1924; a son, James Peter, was born in 1930. He was hired by both Aaron Sapiro and the Lelands in their suits against Henry Ford, and won a record settlement to the tune of nearly half a million dollars for the jilted Bertha Clevenger. William was already being compared to Clarence Darrow.⁹

Michigan Supreme Court records indicate Gallagher's versatility as an attorney. In more than 50 years of practice, close to 200 cases went before the Court with Gallagher appearing as counsel or of counsel in the

Photo courtesy of Professor David G. Chardavoyne



William Henry Gallagher, 1927

case. He handled divorce cases, divisions of estates, botched real estate sales, lawsuits against the City of Detroit, personal injury cases, landlord-tenant matters, lawsuits involving the failure to pay membership dues, and government corruption.

With each case, Gallagher's reputation grew. Lawyers were faced with "the majesty of [Gallagher's] voice and the forcefulness of his argument."¹⁰ It was said that sometimes his appearance on a case could end it simply because his opponents had little desire to go against the famed attorney.

The *Sapiro* libel case is generally what Gallagher is remembered for now. It was a public relations nightmare for Henry Ford and his lawyers; Ford did everything possible to get out of appearing on the witness stand. The defense did everything imaginable to have the case thrown out. Finally, a mistrial was declared after perceived jury tampering. Ford, embarrassed by the whole situation, apologized for the incident in a roundabout way. His apology, written by Louis Marshall, a Jewish lawyer from New York, was published on June 8, 1927, and mocked for a very long time; no one believed it. The *Dearborn Independent* closed by the end of the year. Sapiro settled for "a full retraction and a payment of about \$140,000 toward [Sapiro's] expenses."¹¹ It was the trial of the century.

That winter, Gallagher was back in court against Ford, this time in the defense of Henry and Wilfred Leland's suit on behalf of the Lincoln Motor Company and its stockholders. Before the case was appealed to the Michigan Supreme Court in the summer of 1928, Gallagher's house was bombed. Remarkably, no one was hurt, although one side of the house was damaged and several windows in the neighborhood were shattered.¹² When interviewed, Gallagher seemed nonchalant about the event, saying he "could assign no motive for the bombing."¹³ Given his controversial, high-profile cases, it was anyone's guess as to the reason for the bombing; of course, it may have been as simple as the fact that the Gallaghers lived in the same neighborhood as State Representative Robert Teagan, whose house had been bombed a week earlier.

In the 1940s, Gallagher was hired to defend Frank D. McKay, the Grand Rapids Republican boss accused of corrupting the state liquor control commission. His opponent was Special Prosecutor Kim Sigler, who would use the legislature's corruption trials to vault into the position of Michigan governor. When McKay was found not guilty in February 1946, it was a huge failure for Sigler, and the verdict was highlighted as "another milestone in the long and distinguished legal careers of McKay's two principal attorneys,"¹⁴ Gallagher being one of them.

In the 1950s and '60s, Gallagher appeared to be slowing down. He proclaimed his "semi-retirement" in the 1960s. Of course, that was also the same decade he won the largest attorney fee granted in the Michigan court system: \$761,000, shared with Raymond Paul and David Newman in their case against the Detroit Water Board. It was a "debatable retirement," and his final appearance before the Michigan Supreme Court was in 1968, more than 60 years after his entrance to the Michigan bar.

Gallagher was a legend in his own time, known as "one of the bar's finest orators"¹⁵ and the "greatest trial lawyer in Michigan."¹⁶ The University of Detroit Mercy presented him with an honorary doctor of laws degree¹⁷ and honored him with the Towar Award, given annually to "distinguished alumni for outstanding dedication, loyalty

and leadership."¹⁸ When he spoke at a State Bar Annual Meeting luncheon, "he was greeted with heavy applause and a standing ovation."¹⁹ Every honor was well deserved. ■



Carrie Sharlow is an administrative assistant in the Executive Office of the State Bar, assisting Governmental Relations. She has a BA in English and a master's in literature. 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 Judge Avern Cohn, who suggested the topic and helped with review and research.

FOOTNOTES

1. For a new retelling of the *Sapiro v Ford* libel trial, see Woeste, *Henry Ford's War on Jews and the Legal Battle Against Hate Speech* (Stanford: Stanford University Press, 2012).
2. Jonathan R. Logsdon, *Power, Ignorance, and Anti-Semitism: Henry Ford and His War on Jews* <http://history.hanover.edu/hhr/99/hhr99_2.html>. All websites cited in this article were accessed December 24, 2012.
3. Parton, *Throngs Jam Quiet Ford Courtroom*, Oakland Tribune, March 23, 1927, p 2.
4. Moore, *History of Michigan* (Chicago: Lewis Publishing Co, 1915), vol 2, p 1083.
5. *Id.*
6. Schermerhorn, *Detroit's Legal 'Tiger'*, The Detroit News, February 23, 1964, p 4-B.
7. Moore, n 4 *supra* at 1082-1083.
8. Burton, *The City of Detroit Michigan 1701-1922* (Detroit: S J Clarke Publishing Co, 1922), vol 4, p 218.
9. Pope, *William Henry Gallagher*, Detroit Legal News, October 1995, p 53.
10. Honigman, *Tales of My Lifetime*, p 21 (copy in author's possession).
11. Woeste & Radomsky, *Suing Henry Ford*, Legal Affairs (July/August 2003), available at <http://www.legalaffairs.org/issues/July-August-2003/review_woeste_julaug03.msp>.
12. *Attorney's Home Bombed*, The Times Recorder, May 14, 1928.
13. *Id.*
14. *Frank McKay is Found Not Guilty*, Traverse City Record-Eagle, February 14, 1946, p 2.
15. *At the Michigan State NACCA Convention*, 39 Mich St B J 52 (1960).
16. Griffin, *Michael Berry* (Bloomington: Author House, 2007), p 41.
17. See University of Detroit Mercy, *University Honors* <http://research.udmercy.edu/find/special_collections/digital/honors/item.php?record_id=126&collectionCode=honors_hon>.
18. 48 Mich St B J 18 (1969).
19. NACCA Convention, n 15 *supra*.