
REPORT OF THE SUBCOMMITTEE ON PRIVILEGES AND ELECTIONS,
TO THE COMMITTEE ON RULES AND ADMINISTRATION, RE
HOOK AGAINST FERGUSON (MICHIGAN)

JULY 28 (legislative day, JUNE 2), 1949.—Ordered to be printed

Mr. MYERS, from the Committee on Rules and Administration,
submitted the following

R E P O R T

[To accompany S. Res. 141]

Our Subcommittee on Privileges and Elections to whom was referred the petition of Frank E. Hook, contesting the election of November 2, 1948, of the Honorable Homer Ferguson for a seat in the United States Senate representing the State of Michigan, has had the matter under consideration and respectfully reports as follows:

Frank E. Hook was a candidate for the above office on the Democratic ticket and Homer Ferguson, then a member of the United States Senate, was a candidate therefor on the Republican ticket. The State board of canvassers for the State of Michigan on December 6, 1948, declared that the incumbent, Homer Ferguson, had been re-elected United States Senator, receiving a total of 1,045,156 votes and that Frank E. Hook received 1,000,329 votes. Shortly thereafter the secretary of state for the State of Michigan made out and delivered to Homer Ferguson a certificate of his election.

Thereupon Homer Ferguson was administered the oath of office as a United States Senator from the State of Michigan on January 3, 1949, and is now serving in that capacity.

NATURE OF CHARGES

On January 5, 1949, the president pro tempore of the United States Senate sent to the Committee on Rules and Administration, and subsequently by such committee to the Subcommittee on Privileges and Elections, a petition filed by Frank E. Hook contesting the election of Homer Ferguson on November 2, 1948, which contained various charges summarized as follows:

That there were innumerable errors, illegalities, irregularities, and fraudulent acts in the conduct of the election held on November 2, 1948.

That contrary to the provisions of the statutes for the State of Michigan the township boards of a large number of predominantly Republican townships failed to appoint bipartisan inspectors for the precincts within their counties.

That in the county of Genesee errors in tabulation by the election boards involving thousands of votes were made in favor of Homer Ferguson, the Republican senatorial candidate.

That in the counties of Ingham and Shiawassee more votes were cast and more ballots were accepted than the total number of registered voters entitled to vote.

That in many instances election officials in charge of the voting booths refused to accept the credentials of duly qualified challengers designated by the Democratic Party and refused to permit Democratic challengers to function according to law.

That in the county of Saginaw thousands of Democratic voters were prevented from casting their votes and exercising their right of franchise by fraudulent acts of the election officials.

That in the counties of Genesee and Ingham the Republican election officials refused or neglected to provide for checkers to check the individuals keeping the tally sheets and these individuals made up an incorrect tally of the votes so as to increase the vote of the Republican candidate.

That one Arthur Summerfield, Republican national committeeman from Michigan was acting with the complete knowledge and approval of the said Homer Ferguson during the years 1947-48 collecting several hundred thousand dollars as political contributions.

ACTION BY SUBCOMMITTEE

On December 15, 1948, your subcommittee sent telegrams to all county, city, town, and village clerks in the State of Michigan requesting them to preserve intact all ballot boxes, ballots, official records, and returns pertaining to the November 2, 1948, election.

No further action was taken by the subcommittee during the Eightieth Congress. Early in January 1949 your subcommittee received telegrams and letters from city and township clerks, emphasizing the need of voting machines and ballot boxes for use at the February 21, 1949, spring primary, or, in the event of no primary, at the April 4, 1949, biennial spring election, and requesting that the voting machines and ballot boxes be released.

Following the receipt of the aforementioned telegrams and letters, your subcommittee sent investigators to Michigan to read the voting machines preparatory to their release in time for the forthcoming elections. Each voting machine was read by two Senate investigators accompanied by at least one, but usually two or three, representatives of the city or township wherein the particular machines were located. During the period of February 1, 1949, to February 26, 1949, these investigators examined 1,199 machines located in 312 different places, in the counties of Bay, Calhoun, Ingham, Jackson, Kent, Macomb, Midland, Oakland, Saginaw, Shiawassee, Washtenaw, and Wayne, which represented more than 90 percent of the total of the machines in the State. A comparison of the vote for the senatorial candidates as read by the investigators and as represented by the State canvassing board reflect errors in the counties of Bay, Calhoun, Kent,

Oakland, Saginaw, Washtenaw, and Wayne which showed a minor discrepancy. Immediately after the checking and tabulation of these machines they were released.

In the investigation of the charge that contrary to the provisions of the statutes of the State of Michigan, the township boards of a large number of predominantly Republican townships failed to appoint bipartisan inspectors for precincts in their counties, we find that the applicable statute ¹ reads as follows:

Same; inspectors of election. SEC. 16. The common council of any city establishing a central polling place may appoint four or more inspectors of election at the last meeting of said common council previous to every election, general or special, and said inspectors shall be governed by the general laws of this State in reference to their powers and duties as election inspectors: *Provided, however,* That in case four inspectors of election shall be appointed, not more than two of the four inspectors shall be of the same political party, and in case more than four such inspectors are appointed, not more than 50 percent, as nearly as possible, of such inspectors shall be of the same political party.

Your investigator interviewed 237 people in the counties of Ingham, Macomb, Shiawassee, and Genesee and as a result of statements taken from and/or interviews had with these parties the investigation substantiated Hook's complaint that some boards were not constituted as required by the above-mentioned statute. A few examples of the evidence they obtained follows:

(a) In precinct c, ward 1, Lansing, six of the eight board members were Republicans.

(b) In precincts a and c, ward 8, Lansing, all of the board members were Republicans.

(c) In Bruce Township, Macomb County, five of the seven members of the board were Republicans.

(d) In Harrison Township, Macomb County, three of the four inspectors were Republicans. The chairman of the board and officer of the day were Republicans.

(e) In Lake Township 85 percent of the 68 officials were estimated to be Republicans by the present township clerk.

(f) In Ray Township, Macomb County, all seven members of the election board were Republicans.

(g) In Richmond Township, Macomb County, all 12 members of the election board were Republicans.

(h) In the city of Owosso, Shiawassee County, only 4 of a total of 11 inspectors were Democrats. All of these men were appointed by Republican city clerks.

(i) In ward 5, city of Owosso, only one of the total of six election inspectors was a Democrat, the balance being Republicans.

(j) In ward 1, Corunna, only one of a total of four election officials was a Democrat.

(k) In precinct 13, city of Flint, only two of the election inspectors were Democrats.

In considering the charge that split Progressive Party tickets were rejected and not counted for the contestant your investigators prepared a sample split ballot with an X in the circle under the Progressive Party emblem, and X in the square to the left of the name of Mr. Hook under the Democratic Party emblem to use when interviewing the voters in Michigan. This was done in lieu of an actual

¹ Section 3044 Comp. Laws 1929: Amended 1933, Act 176; upheld in *Attorney General v. Reading*, 268 Michigan 224

examination of the ballots, such examination of ~~the~~ ballots not having been ordered by your committee. This sample ballot was shown to persons interviewed and substantial evidence was obtained indicating that the senatorial contestant did not receive credit for many ballots split in this manner. Many of the election inspectors interviewed stated that they would not have counted such split ballots for Mr. Hook; that they would not know how to count the ballot; or that they would declare the ballot invalid. Most of these split tickets occurred in Wayne County (Detroit) and in order to ascertain the specific effect it would have had on Mr. Hook's count it would require the examination of all of the ballots.

A few examples substantiating the above are as follows:

(a) In precinct 14, city of Flint, the chairman declined all such ballots.

(b) In precinct 61, city of Flint, split tickets were only counted for candidates under the straight ticket.

Considering the charge that election officials refused to accept the credentials of duly qualified challengers designated by the Democratic Party and refused to permit Democratic challengers to function according to law, a partial investigation developed instances in three of the four counties investigated where challengers were denied the right to function.

There was an overwhelming amount of evidence obtained showing an improper allocation of ~~voting~~ precincts and polling places as well as the undermanning of ~~these~~ polling places and incompetent election boards which resulted in crowding, confusion, and disfranchisement of hundreds of voters.

Our investigators report that in Ingham County at least 600 people were disfranchised; and in some precincts the people were still attempting to vote at 2 a. m. on November 3, 1948. Precincts were so divided and machines so arranged that it was physically impossible to take care of all voting and general chaos set in and militated against the class of people attempting to vote after completion of their day's work. A few examples substantiating this finding are as follows:

(a) In precinct 1, Lansing, it was stated that the precincts should be divided in order to accommodate the voters.

(b) In precinct 3, ward 1, Lansing, witnesses stated that approximately 600 persons were disfranchised because of lack of facilities.

(c) In precinct 6, Lansing Township, many persons were locked out by the janitor and unable to vote.

(d) In the city of Flint, election officials were swamped about supertime with factory workers and experienced difficulty in checking ballot applications with poll lists and depositing them in ballot boxes. Voters were told to leave their ballots on an open table to be deposited later and some witnesses indicated that voted ballots were strewn on the floor. The burden for this situation, of course, rests upon the State officials.

With reference to the charge that in the county of Genesee errors in tabulation by the election boards involving thousands of votes were made in favor of Homer Ferguson, the Republican senatorial candidate, remains open inasmuch as this investigation did not include the recounting of ballots. Numerous statements and reports of irregularities in tallying the vote were made to your investigators, but these statements and reports cannot be substantiated without a recount of the ballots.

