

WINSTON TAYLOR

ATTORNEY-AT-LAW
MARSHALL, TEXAS

SEP 11 1948

September 9, 1948

Mr. Lyndon B. Johnson
301 West Eighth Street
Austin, Texas

Dear Lyndon:

I am inclosing copy of affidavit and list of voters alleged not to be on the Karnack poll list, which Mr. Thomas Y. Abney mentioned to you in his letter of September 7, 1948.

I will write you later if anything further develops along this line.

Sincerely,

Winston

WT/aw

THE STATE OF TEXAS }

SEP 11 1948

COUNTY OF HARRISON }

Before me, a Notary Public in and for Harrison County, Texas, on this day personally appeared Thomas Y. Abney Chairman of the Harrison County Democratic Party Executive Committee who upon oath says:

That Karnack is in Harrison County, Texas, and is Precinct No. 5; that the returns from this box show 226 votes cast, 214 were cast for Lyndon B. Johnson for United States Senator and 12 were cast for Coke R. Stevenson for United States Senator, and that as Chairman of the Democratic Executive Committee for Harrison County, Texas, I checked the poll tax receipts and exemption certificates as certified by the tax collector of Harrison County, Texas, for this box and compared this list with the poll list of those who voted in this primary election. My check revealed that there were 105 ballots cast in this primary election by persons not on the poll tax and exemption list. The 105 names are hereto attached and made a part hereof. The attached list of names has no similarity whatever with the poll tax and exemption list: numbers 70, 71, 72, 78, 79, 81, 82, 88, 89, 92, 96, 101, and 105. On these numbers the name of the voter is given and immediately thereafter is the name of a person with some similarity of name or initial on the poll tax list. In my checking I omitted several names who voted and was not on the poll tax list but there was such similarity that I was able to identify the party who voted with the name on the poll tax list. I have every reason to believe that a large number of this 105 votes were illegal.

THOMAS Y. ABNEY
COUNTY CHAIRMAN, DEMOCRATIC PARTY
HARRISON COUNTY, TEXAS

SWORN TO AND SUBSCRIBED BEFORE ME a Notary Public on
the _____ day of _____, 1948.

NOTARY PUBLIC IN AND FOR HARRISON COUNTY, TEXAS

LIST OF VOTERS - KARNACK - NOT ON POLL TAX

- | | |
|------------------------|---------------------------|
| 1. Ira Reynolds | 34. Mr. G. W. Witherspoon |
| 2. John Rivers | 35. Mrs. Allan Ellis |
| 3. Mrs. George McKay | 36. Ira McCray |
| 4. Sam McKay | 37. Molly Yancy |
| 5. Frank Vanness | 38. Bus Williams |
| 6. A. B. Gowan | 39. Dilliard Lane |
| 7. Mrs. A. B. Gowan | 40. Julius Thompson |
| 8. Howard Vanness | 41. Dora Thompson |
| 9. Mrs. G. E. Bonner | 42. Tom Patterson |
| 10. Tom Haggerty | 43. Mrs. Sykes Summers |
| 11. Tom McCray | 44. Mr. Sykes Summers |
| 12. Mrs. A. G. Fortune | 45. Mr. Stowe |
| 13. Tense Lee | 46. Hayward Hygh |
| 14. Rev. J. C. Cooper | 47. Mrs. Ed Odom |
| 15. Lurene Hood | 48. Mr. Willie Slaughter |
| 16. Melicia Smith | 49. Mrs. F. C. Fox |
| 17. William Hood | 50. Mr. Ed Odom |
| 18. William Post | 51. Eva Baker |
| 19. John Post | 52. Worth Futrell |
| 20. Tom Tittle | 53. Mrs. Jess Mauldin |
| 21. Tenge Smith | 54. Mr. Charlie Hayner |
| 22. Wiley Jordan | 55. Sam Dedman |
| 23. Robert Jordan | 56. Jim High |
| 24. Cora Webb | 57. Gib Porter |
| 25. Cynthia Booker | 58. Alice Tittle |
| 26. Mary Braodnax | 59. Mr. C. R. Goforth |
| 27. Early Lane | 60. Mrs. Maude Moore |
| 28. Pauline Fowle | 61. Ellen Haggardy |
| 29. Floyd Haddock | 62. Mary Etta Yancy |
| 30. Mr. H. R. Miller | 63. Alfred Griffin |
| 31. Leah Durham | 64. Isa Belle Williams |
| 32. Agnes Lane | 65. Bro. J. P. Olive |
| 33. T. W. Warrior | 66. Mrs. J. P. Olive |

67. Mrs. Floyd Haddock
68. C. D. Fason
69. Wesley Irving
70. Mr. Enoc Simons ? James E. on
poll list
71. Mrs. Enoc Simons ? Mrs. J. E.
on poll list
72. Willie Slaughter ? W. Slaughter
on poll list
73. Sarah Woolridge
74. R. L. Johnston
75. Daisy May
76. Luch Durham
77. Ernestine Dukes
78. Mrs. Leo Palmer ? Mrs. E. L.
Palmer on poll
list
79. Mr. Leo Palmer ? Mr. E. L. Palmer
on poll list
80. P. L. Patterson
81. Henry Moore Jr ? Henry Moore
on poll list
82. Mrs. Henry Moore Jr ? Mrs. H.
Moore on poll
list
83. Mrs. Ira Reynolds
84. Phoebe Boykin
85. Millie Oliver
86. Mr. Charlie Pressler
87. Martha Ann Jones
88. Mrs. Lizzie Moore ? Mrs. W. L.
Moore on poll
list
89. J. B. Brooks ? Jennie Brooks on
poll list
90. Mrs. C. C. Bishop
91. J. E. Bishon
92. Mack Smith ? Mack Smith Jr.
on poll list
93. Marria R. Smith
94. Addie Irving
95. Lydie Woolridge
96. Mrs. Kenneth Yhner ? Kenneth
Hiner on poll list
97. Harriet Edwards
98. Mr. J. K. Callison
99. Johnnie Woolridge
100. Willie Carter
101. Vernon Moore ? V. H. Moore
on poll list
102. Easter Williams
103. Robert Williams
104. Margie Rivers
105. Mr. W. F. Shivers ? N. R.
Shivers on poll
list

WINSTON TAYLOR
ATTORNEY-AT-LAW
MARSHALL, TEXAS



Mr. Lyndon B. Johnson
301 W. Eighth Street
Austin, Texas

Re complaints:

The Houston Chronicle
Houston, Texas

Lamar Fleming, Jr.
Houston, Texas

J. Leonard Davidson
Houston, Texas

Andrew Jackson Wray
Houston, Texas

Carleton D. Speed, Jr.
Second National Bank Building
Houston, Texas

Earl Braly
1004 N. Flower Street
Palestine, Texas

H.L. Poole
P.O. Box 269
Alice, Texas

J.E. Holmgreen
704 S. Cameron Street
Alice, Texas

no others 10/29

complainants
in the Texas Primary case:

1. Mrs T.E. TROSTLE
Route 2
Shamrock, Texas
2. Jimmie LEDERER
3005 Glenview Ave
Austin, Texas

The above will be interviewed by
the FBI, also. This makes the
list current as of today.

CLARK, COON, HOLT & FISHER
ATTORNEYS AND COUNSELORS AT LAW
REPUBLIC BANK BUILDING
DALLAS 1, TEXAS



Strictly
Private

Sen. Lyndon Johnson
1901 Dillman
Austin, Texas

POSSIBLE ELECTION IRREGULARITIES
WHICH BENEFITED COKE STEVENSON

1. In Brown County six entire boxes were thrown out by Court Judgment in a County Judge's race because the ballots were "illegal". If these same boxes were thrown out in the Senatorial Race, it would mean a net gain of 468 for Lyndon Johnson.
2. The vote totals for Jack County were switched in the official canvass of the County as reported to the Secretary of the State Democratic Executive Committee. Vote reported was Stevenson 894, Johnson 879. Actual vote was Johnson 894, Stevenson 879. A net gain of 30 votes for Mr. Johnson would result from a correction.
3. Lloyd Croslin says that the entire vote in Borden County could be thrown out, due to the fact that the box was left unsealed in a filling station all night election night. Sunday afternoon Croslin went to the County Seat in order to find out why no vote had been reported for the County. After investigation, he located the box in a filling station unlocked, and it had apparently been there since the night before. If the County were thrown out, it would mean a net gain of 17 votes for Johnson.
4. In Dallas County two corrections were made after the vote had been certified to the State Democratic Executive Committee. One added 58 votes to Stevenson and the other forty more. The latter correction was made several days after the final date for canvassing returns had elapsed.
5. Sam Allen, 4023 Simpson Street, Dallas, says that apparently the lever over Mr. Johnson's name in his voting booth in Dallas was apparently locked all day and Johnson could be voted for only when the instructor was called over to unlock it. Allen voted at 9:00 in the morning and found the lever locked. He called the instructor who stepped over and released the lever so Mr. Allen could vote for Johnson. A friend of his voted at 12:00 noon and had the same experience.
6. A. J. Payne of Center, Texas, says that two votes marked with an "X" were counted for Stevenson in his precinct.
7. Pete Greene and Cole Smith make sworn affidavit that they requested the County Chairman of Guadalupe County to be allowed to represent Lyndon Johnson at the canvass. They were told by Mr. Edgar Engelke that the meeting to canvass the vote was a "secret meeting". Upon being asked again Mr. Engelke again stated the meeting was secret. While the meeting was in progress, all the doors were closed and the blinds were drawn so that no one could see into the meeting room.
8. In Cameron County, according to Judge Oscar Dancy, and an article in the San Antonio Express, 200 ballots were discarded because Judges ruled they were mutilated. Dancy says that if these votes were counted, ~~xxxxxxx~~ Johnson would gain just about in proportion to his majority in that County. Paul G. Greenwood of Harlingen stated "If the voter's intention is clear, I believe the law holds, the ballot should be counted, regardless of what other markings appear on it.
9. Mr. Herman Sparks of Cooper in Delta County says that the voting place for Precinct 12 was in front of the Mayor's office. That prior to the election a picture window card of Mr. Stevenson's was placed in the window within a few feet of the election workers and within arm's length of the prospective voters. The card remained there all day.

X
10. Mr. E. M. Glasscock of Angleton calls attention to Article 3022 of the Revised Civil Statutes of 1925, as follows: "No judge, clerk, etc shall make any statement or give any information in any manner, of the number of votes cast for or against any candidate or convey to any person his opinion regarding the state of the polls until after the closing thereof. Any officer, etc. who shall violate these provisions shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$50 nor more than \$1,000, or shall be confined in the county jail for any period not to exceed one year, or shall be punished by both such fine and imprisonment." Glasscock says, "There is no doubt in my mind that had it not been for this one violation of the law, Johnson would have led by a majority of anywhere from 10,000 votes to 25,000 votes."

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11. Mr. Brad Thompson of Stephenville says, "There is a possibility of an election contest in a County Commissioner's race in Hood County. There is talk that the election was badly managed there, several procedural statutes being violated. Suggest you keep an eye on it. If interested, contact Jimmie King, a young energetic attorney in Granbury."

X
12. Kenneth Olson and Robert I. Wilson acting in Mr. Johnson's behalf in Kerr County wrote to the County Democratic Chairman requesting that the Committee comply with the provisions of Article 3125 of the Revised Civil Statutes. Mr. Starkey, the Chairman, wrote a reply that the Committee had found it impossible to comply with the request because of lack of time. If Kerr County were thrown out, it would mean a gain of 363 votes for Johnson.

X
13. W. G. Pate of Houston says there was a 100-vote discrepancy in Waller County which resulted in Stevenson's favor. He knew no facts, but suggested it be checked.

X
14. On Monday night after the election a revision was made in Eastland County giving Stevenson a gain of 225 votes. Although our people indicate it was an honest error, the fact remains that we were advised of the change, several hours before it was made.

X
15. Mr. and Mrs. John S. Foote of Houston paid their poll taxes in Wharton County where they had resided in January. They were allowed to vote absentee in the first primary. However, in the second, they went to Wharton to vote and were told that they could not do so. They wanted to vote for Johnson.

X
16. In Harris County 47 absentee ballots, nearly all for Johnson, were not counted because they were mailed by mistake ~~xxx~~ to the wrong precinct. *delivered*

X
17. F. W. Burke of Goose Creek wired Mrs. Ferguson as follows: "Have checked local chairman and representatives of Mr. Johnson. If I can get the green light from East Harris County Johnson Chairman, will contest two boxes which I am very much inclined to believe will give us a nice margin."

X
18. In Gregg County Johnson lead by approximately 400 votes in the first primary and lost by 2,300 votes in the 2nd primary. Looks fallacious on the face of it.

X
18. An unsigned letter from Tyler says, "The polls at Winona, Texas, Box 7, were closed Saturday afternoon between 5:00 and 5:30 by the election judges on the excuse that they had run out of ballots. There were numerous people at the polls wanting to vote who urged the election judges to get more ballots, but they made no effort and the polls remained closed and that box's final return made accordingly. Winona has a voting strength of around 340 and only 205 votes were cast in your race."

X
20. Mr. J. L. Cunningham of the Junction National Bank, Kimble County, says, "Three high class prominent parties told me today that when they voted and started to walk away, one of those conducting the election (thinking I was not noticing) deliberately unfolded the ballot, read it, and then deposited it. I feel sure

*Johnson dropped from 45 to 31%
Stevenson jumped from 41 to 69 - more than the total
of Stevenson's tally in 1st primary x*

they will make affidavit to this and there may be many others who had a like experience. If this County could be thrown out for such irregularity, fine".

21. Mr. W. A. Clampitt of Kingsville, Kleberg County, says, "It looks like there is something rotten at the Kleberg County Courthouse." He also says, "There is plenty of evidence there to justify a contest in one box, and it is sufficient enough to guarantee your election if there isn't anything pulled somewhere else."

22. In Roberts County 93% of the votes were for Stevenson, and the County Democratic Chairman is the father of Clint Small's law assistant.

23. In one box behind the locked gates of the King Ranch Stevenson received every single vote.

24. In Tarrant county, illegal returns were counted from two boxes. Had these boxes been thrown out, the net gain for Johnson would have been 45 votes. In one box, the OFFICIAL returns were not returned to the courthouse until more than 72 hours after the polls closed. In the other box, the official returns were never returned to the canvassing committee. The committee took the results off the tally sheets.

25. In Tyler county, more votes were cast in the second primary than in the first -- 1895 to 1992. Stevenson showed a net gain in this county of 155.

26. In Gillespie county, more votes were cast in the second than in the first primary -- 1231 to 1264. Stevenson showed a net gain of ~~264~~ in this county.
256

27. In Austin county, more votes were cast in the second primary than in the first -- 3793 to 2839. Johnson gained 587 votes; Stevenson gained 1,133 votes.

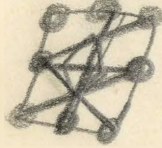
28. In Guadalupe county, more votes were cast in the second primary than in the first -- 1835 to 1342, a difference of 493. Johnson gained 110 votes, Stevenson gained 504, a net gain for Stevenson of 394.

29. In four Texas counties, in sharp contrast to the other 248 counties, the first primary leadership was reversed. Expressed in terms of percentage:

Candidate	First Primary	Second Primary	Change
Gregg County:			
Johnson	45%	31%	Minus 14%
Stevenson	41%	69%	Plus 28%
Hutchinson County:			
Johnson	51%	32%	Minus 19%
Stevenson	41%	68%	Plus 27%
Upshur County:			
Johnson	39%	43%	Plus 2%
Stevenson	37%	57%	Plus 20%
Rockwall County:			
Johnson	40%	39%	Minus 1%
Stevenson	33%	67%	Plus 34%

30. The last big "revision" in the Texas Election Bureau counting cut Johnson from ~~322~~ to 380; and increased Stevenson from 548 to 552. 476

That was a net gain for Stevenson of the magic number of 100. This was on the Saturday that the TEB stopped counting.



① No theoretical difficulty
why ballots can't be
printed
Clerk has asked
to be notified
appealing from
decision

3mo ago
The appointments
of County Specials
Can't get Ballots
out

MEMORANDUM CONCERNING CERTAIN ILLEGAL VOTES COUNTED IN BROWN COUNTY, TEXAS, WHICH IS NOW INVOLVED IN A CONTEST IN THE COUNTY JUDGE'S RACE, BY REASON OF WHICH LYNDON JOHNSON MIGHT BE ABLE TO PICK UP SOME VOTES:

In the August run-off primary the candidates for the United States Senate received the following votes at the various voting boxes:

	<u>JOHNSON</u>	<u>STEVENSON</u>
Ward 1	350	528
Woodland Heights	37	134
Bangs	165	272
Brooksmith	31	55
Chapel Hill	38	93
Winchell	13	20
Total	634	1102

In the event such boxes are thrown out it will mean a net gain in votes for Johnson of 468.

The presiding judges at Woodland Heights, Brooksmith, Chapel Hill and Winchell did not sign their names on the ballots used by the voters, neither did such presiding judges initial same. Notwithstanding this fact, said votes were counted.

At the Bangs, Texas, voting box Mr. Switzer, the presiding judge did not write his name on such ballots, either did he initial same. He used a rubber stamp which he bought from the bank, ~~the bank~~.

In Ward 1, Mrs. Smith, who was the presiding judge, came to her post of duty but, due to illness, did not stay and no election was held by the folk there assembled to select a successor to her. A boy by the name of Brewer, who ~~is~~ is now upon attendance at the University of Texas, held the election as presiding judge. He had not been hired as one of the election judges. Mrs. Smith did not sign the ballots before she left, but Brewer signed Mrs. Smith's name to each of same. He did not sign his name as presiding judge or as a de facto presiding judge.

There is pending in the District Court of Brown County, Texas, an election contest styled ~~for~~ "A. E. Wilson vs. F. A. Loudermilk, No. 11, 130" wherein A. E. Wilson, the present county judge, is contesting the election of Mr. Loudermilk, who received twelve more votes than he received, and he is asking that the voting box of Brooksmith be disregarded due to the fact that the presiding judge failed to sign the ballots. He has also stated that certain irregularities crept into the holding of the election at Ward 1, but he has not specifically alleged that the presiding judges' names were not written across the ballots.

Loudermilk has answered and by way of cross-action, and in an independent ~~in~~ suit, is asking that the voting boxes of Bangs, Woodland Heights and Winchell be disregarded because the presiding judges failed to write their names across the ballots. He also assails Chapel Hill for the same reason.

This hearing is set for next Wednesday morning, September 15th.

In addition to the above and foregoing, four absentee ballots were counted in connection with the Chapel Hill returns. They are in addition to the votes hereinabove set forth. One of the votes was for you and three for Stevenson. They were not in the hands of the election judges at Chapel Hill on Saturday and were not received until about Tuesday, having miscarried in the mail. These votes are illegal and should not be counted. They are including ~~ing~~ in the official certification.

Revised Civil Statute, 3008 provides that each voter shall be delivered a ballot, on the blank side of which the presiding judge shall have previously written his signature.

Revised Civil Statute 3018 provides that the counting judges and clerks shall familiarize themselves with the signature of the judge who writes his name on each ballot, and further provides that no ballot shall be counted that does not bear the judge's signature.

The courts of our state have held the requirements of such statutes to be mandatory rather than directory, largely upon the language in the statute to the effect that no vote can be counted that does not have the presiding judge's signature written across the blank side thereof, and in numerous cases have thrown out votes that did not have the presiding judge's signature written across the blank side thereof.

So, unquestionably, in so far as the voting boxes of Woodland Heights, Brooksmith, Chappel Hill and Winchell are concerned they will ~~have~~ be thrown out without any question.

I have not been able to find any court decision with respect to whether a rubber stamp will suffice for the judge's signature. The courts have held that where a judge initials the ballots it will be sufficient. That is bottomed upon the premises that each making an initial would have some peculiar way of making same and for that reason the counting clerks would be able to identify same. I do not believe that a rubber stamp would be sufficient.

There is a statement in Vol. 20, Corpus Juris, to the effect that a ballot would be rejected when the officer's name is stamped on the ballot with a rubber stamp. 20 Cor. Jur., Sec.180, page 152. The footnote to this cites two cases: Berryman vs. Megginson, 82 N.E. 256, and Choisser vs. York, 71 N.E. 940.

I believe, therefore, that the Bangs box can be thrown out.

In so far as Ward 1 is concerned, I believe if Mr. Brewer has signed his own name across the ballots as defacto presiding judge that same would have been all right.

The case of Walker vs. Mobley, 105 S.W. 61, while modified due to the fact that the local option elections are not governed by the provisions of the statutes, held that, although the signature of the presiding judge was written by someone else in his presence and under his direction, nevertheless the ballot was illegal and void and could not be counted.

I, therefore, feel that Ward 1 can be thrown out.

The writer of this memorandum represents Loudermilk in the proceeding in Brown County and thus far no attack has been made upon Ward 1. It is not known whether the opposition knows the facts concerning this, but I want nothing said about Ward 1 until after the contest is had in Brownwood on September 15th. In other words, I procured this information in line of duty to my client and would not want to divulge it so that it could be used in any sense against him.

###

MESSAGE

To _____

Date _____ 19____ Time _____ A.M.
P.M.

WHILE YOU WERE OUT

Mr. _____

Address _____

Phone No. _____

Called to See You

Will Call Again

Telephoned

Please Call Him

Message _____

Taken by _____

Stanley Adams Printing Co.—Washington 5, D. C.
REpublic 1939—1221 New York Avenue, N. W.

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Stevenson	41%	68%	Plus 27%
Upshur County:			
Johnson	39%	43%	Plus 2%
Stevenson	37%	57%	Plus 20%
Rockwall County:			
Johnson	40%	39%	Minus 1%
Stevenson	33%	67%	Plus 34%

30. The last big "revision" in the Texas Election Bureau counting cut Johnson from 476 to 380 and increased Stevenson from 548 to 552.

That was a net gain for Stevenson of the magic number of 100. This was on the Saturday that the TEB stopped counting.

**POSSIBLE ELECTION IRREGULARITIES
WHICH FAVORED ONE STEVENSON**

1. In Brown County six entire boxes were thrown out by Court Judgment in a County Judge's race because the ballots were "illegal". If these same boxes were thrown out in the Senatorial Race, it would mean a net gain of 466 for Lyndon Johnson.
2. The vote totals for Jack County were switched in the official canvass of the County as reported to the Secretary of the State Democratic Executive Committee. Vote reported was Stevenson 894, Johnson 879. Actual vote was Johnson 894, Stevenson 879. A net gain of 30 votes for Mr. Johnson would result from a correction.
3. Lloyd Groselin says that the entire vote in Borden County could be thrown out, due to the fact that the box was left unsealed in a filling station all night election night. Sunday afternoon Groselin went to the County Seat in order to find out why no vote had been reported for the County. After investigation, he located the box in a filling station unsealed, and it had apparently been there since the night before. If the County were thrown out, it would mean a net gain of 17 votes for Johnson.
4. In Dallas County two corrections were made after the vote had been certified to the State Democratic Executive Committee. One added 38 votes to Stevenson and the other 40 more. The latter correction was made several days after the final date for canvassing returns had elapsed.
5. Sam Allen, 4023 Simpson Street, Dallas, says that apparently the lever over Mr. Johnson's name in his voting booth in Dallas was apparently locked all day and Johnson could be voted for only when the instructor was called over to unlock it. Allen voted at 9:00 in the morning and found the lever locked. He called the instructor who stepped over and released the lever so Mr. Allen could vote for Johnson. A friend of his voted at 12:00 noon and had the same experience.
6. A. J. Payne of Center, Texas, says that two votes marked with an "X" were counted for Stevenson in his precinct.
7. Pete Greene and Cole Smith make sworn affidavit that they requested the County Chairman of Guadalupe County to be allowed to represent Lyndon Johnson at the canvass. They were told by Mr. Edgar Engelke that the meeting to canvass the vote was a "secret meeting". Upon being asked again Mr. Engelke again stated the meeting was secret. While the meeting was in progress, all the doors were closed and the blinds were drawn so that no one could see into the meeting room.
8. In Cameron County, according to Judge Oscar Dancy, and an article in the San Antonio Express, 200 ballots were discarded because Judges ruled they were mutilated. Dancy says that if these votes were counted, Johnson would gain just about in proportion to his majority in that County. Paul G. Greenwood of Harlingen stated "If the voter's intention is clear, I believe the law holds, the ballot should be counted, regardless of what other markings appear on it."
9. Mr. Herman Sparks of Cooper in Delta County says that the voting place for Precinct 12 was in front of the Mayor's office. That prior to the election a picture window card of Mr. Stevenson's was placed in the window within a few feet of the election workers and within arm's length of the prospective voters. The card remained there all day.
10. Mr. E. M. Glasscock of Angleton calls attention to Article 3022 of the Revised Civil Statutes of 1925, as follows: "No judge, clerk, etc. shall make any statement or give any information in any manner, of the number of votes cast for or against any candidate or convey to any person his opinion regarding the state of the polls until after the closing thereof. Any officer, etc. who shall violate these provisions shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$50 nor more than \$1,000, or shall be confined in the county jail for any period not to exceed one year, or shall be punished by both such fine and imprisonment." Glasscock says, "There is no doubt in my mind that had it not been for this one violation of the law, Johnson would have led by a majority of anywhere from 10,000 votes to 25,000 votes."
11. Mr. Bud Thompson of Stephenville says, "There is a possibility of an election contest in a county commissioner's race in Hood County. There is talk that the election was badly managed there, several procedural statutes being violated. Suggest you keep an eye on it. If interested, contact Jusie King, a young energetic attorney in Granbury."

12. Kenneth Olson and Robert I. Wilson acting in Mr. Johnson's behalf in Kerr County wrote to the County Democratic Chairman requesting that the Committee comply with the provisions of Article 3125 of the Revised Civil Statutes. Mr. Starkey, the Chairman, wrote a reply that the Committee had found it impossible to comply with the request because of lack of time. If Kerr County were thrown out, it would mean a gain of 363 votes for Johnson.
13. W. G. Tate of Houston says there was a 100-vote discrepancy in Waller County which resulted in Stevenson's favor. He knew no facts, but suggested it be checked.
14. On Monday night after the election a revision was made in Eastland County giving Stevenson a gain of 225 votes. Although our people indicate it was an honest error, the fact remains that we were advised of the change, several hours before it was made.
15. Mr. and Mrs. John S. Foote of Houston paid their poll taxes in Wharton County where they had resided in January. They were allowed to vote absentee in the first primary. However, in the second, they went to Wharton to vote and were told that they could not do so. They wanted to vote for Johnson.
16. In Harris County 47 absentee ballots, nearly all for Johnson, were not counted because they were delivered by mistake to the wrong precinct.
17. F. W. Burke of Goose Creek wired Mrs. Ferguson as follows: "Have checked local chairman and representatives of Mr. Johnson. If I can get the green light from East Harris County Johnson Chairman, will contest two boxes which I am very much inclined to believe will give us a nice margin."
18. In Gregg County Johnson lead by approximately 400 votes in the first primary and lost by 2,300 votes in the 2nd primary. Looks fallacious on the face of it. Johnson dropped from 45 to 31%. Stevenson jumped from 41 to 69% -- more than the total of Stevenson and Paddy in first primary.
19. An unsigned letter from Tyler says, "The polls at Winona, Texas, Box 7, were closed Saturday afternoon between 5:00 and 5:30 by the election judges on the excuse that they had run out of ballots. There were numerous people at the polls wanting to vote who urged the election judges to get more ballots, but they made no effort and the polls remained closed and that box's final return made accordingly. Winona has a voting strength of around 340 and only 205 votes were cast in your race."
20. Mr. J. L. Cunningham of the Junction National Bank, Kinble County, says, "Three high class prominent parties told me today that when they voted and started to walk away, one of those conducting the election (thinking I was not noticing) deliberately unfolded the ballot, read it, and then deposited it. I feel sure they will make affidavit to this and there may be many others who had a like experience. If this County could be thrown out for such irregularity, fine."
21. Mr. W. A. Clagitt of Kingsville, Kleberg County, says, "It looks like there is something rotten at the Kleberg County Courthouse." He also says, "There is plenty of evidence there to justify a contest in one box, and it is sufficient enough to guarantee your election if there isn't anything pulled somewhere else."
22. In Roberts County 93% of the votes were for Stevenson, and the County Democratic Chairman is the father of Clint Agall's law assistant.
23. In One box behind the locked gates of the King Ranch Stevenson received every single vote.
24. In Tarrant County, illegal returns were counted from two boxes. Had these boxes been thrown out, the net gain for Johnson would have been 45 votes. In one box, the OFFICIAL returns were not returned to the courthouse until more than 72 hours after the polls closed. In the other box, the official returns were never returned to the canvassing committee. The committee took the results off the tally sheets.
25. In Tyler County, more votes were cast in the second primary than in the first -- 1895 to 1992. Stevenson showed a net gain in this county of 135.
26. In Gillespie County, more votes were cast in the second than in the first primary -- 1231 to 1264. Stevenson showed a net gain of 256 in this county.
27. In Austin County, more votes were cast in the second primary than in the first -- 3793 to 2839. Johnson gained 587 votes; Stevenson gained 1,133 votes.
28. In Guadalupe County, more votes were cast in the second primary than in the first -- 1835 to 1342, a difference of 493. Johnson gained 110 votes, Stevenson gained 504, a net gain for Stevenson of 394.

29. In four Texas counties, in sharp contrast to the other 248 counties, the first primary leadership was reversed. Expressed in terms of percentages:

Candidate	First Primary	Second Primary	Change
Dress County:			
Johnson	49%	31%	Minus 18%
Stevenson	41%	69%	Plus 28%
Butchman County:			
Johnson	51%	32%	Minus 19%
Stevenson	48%	68%	Plus 27%
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Johnson	39%	43%	Plus 4%
Stevenson	37%	57%	Plus 20%
Rockwall County:			
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23. In One box behind the locked gates of the King Ranch Stevenson received every single vote.
24. In Tarrant County, illegal returns were counted from two boxes. Had these boxes been thrown out, the net gain for Johnson would have been 43 votes. In one box, the OFFICIAL returns were not returned to the courthouse until more than 72 hours after the polls closed. In the other box, the official returns were never returned to the canvassing committee. The committee took the results off the tally sheets.
25. In Tyler County, more votes were cast in the second primary than in the first -- 1895 to 1992. Stevenson showed a net gain in this county of 155.
26. In Gillespie County, more votes were cast in the second than in the first primary -- 1231 to 1264. Stevenson showed a net gain of 256 in this county.
27. In Austin County, more votes were cast in the second primary than in the first -- 3793 to 2639. Johnson gained 587 votes; Stevenson gained 1,133 votes.
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Gregg County:			
Johnson	45%	31%	Minus 14%
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Hutchinson County:			
Johnson	51%	32%	Minus 19%
Stevenson	41%	68%	Plus 27%
Upshur County:			
Johnson	39%	43%	Plus 4%
Stevenson	37%	57%	Plus 20%
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MEMORANDUM CONCERNING CERTAIN ILLEGAL VOTES COUNTED IN BROWN COUNTY, TEXAS, WHICH IS NOW INVOLVED IN A CONTEST IN THE COUNTY JUDGE'S RACE, BY REASON OF WHICH LYNDON JOHNSON MIGHT BE ABLE TO PICK UP SOME VOTES:

In the August run-off primary the candidates for the United States Senate received the following votes at the various voting boxes:

	<u>JOHNSON</u>	<u>STEVENSON</u>
Ward 1	350	528
Woodland Heights	37	134
Bangs	165	272
Brooksmith	31	55
Chapel Hill	38	93
Winchell	13	20
Total	634	1102

In the event such boxes are thrown out it will mean a net gain in votes for Johnson of 468.

The presiding judges at Woodland Heights, Brooksmith, Chapel Hill and Winchell did not sign their names on the ballots used by the voters, neither did such presiding judges initial same. Notwithstanding this fact, said votes were counted.

At the Bangs, Texas, voting box Mr. Switzer, the presiding ~~judge~~ judge did not write his name on such ballots, either did he initial same. He used a rubber stamp which he bought from the bank, ~~the bank~~.

In Ward 1, Mrs. Smith, who was the presiding judge, came to her post of duty but, due to illness, did not stay and no election was held by the folk there assembled to select a successor to her. A boy by the name of Brewer, who ~~is~~ is now upon attendance at the University of Texas, held the election as presiding judge. He had not been hired as one of the election judges. Mrs. Smith did not sign the ballots before she left, but Brewer signed Mrs. Smith's name to each of same. He did not sign his name as presiding judge or as a de facto presiding judge.

There is pending in the District Court of Brown County, Texas, an election contest styled ~~as~~ "A. E. Wilson vs. F. A. Loudermilk, No. 11, 130" wherein A. E. Wilson, the present county judge, is contesting the election of Mr. Loudermilk, who received twelve more votes than he received, and he is asking that the voting box of Brooksmith be disregarded due to the fact that the presiding judge failed to sign the ballots. He has also stated that certain irregularities crept into the holding of the election at Ward 1, but he has not specifically alleged that the presiding judges' names were not written across the ballots.

Loudermilk has answered and by way of cross-action, and in an independent ~~of~~ suit, is asking that the voting boxes of Bangs, Woodland Heights and Winchell be disregarded because the presiding judges failed to write their names across the ballots. He also assails Chapel Hill for the same reason.

This hearing is set for next Wednesday morning, September 15th.

In addition to the above and foregoing, four absentee ballots were counted in connection with the Chapel Hill returns. They are in addition to the votes hereinabove set forth. One of the votes was for you and three for Stevenson. They were not in the hands of the election judges at Chapel Hill on Saturday and were not received until about Tuesday, having miscarried in the mail. These votes are illegal and should not be counted. They are included ~~in~~ in the official certification.

Revised Civil Statute, 3008 provides that each voter shall be delivered a ballot, on the blank side of which the presiding judge shall have previously written his signature.

Revised Civil Statute 3018 provides that the counting judges and clerks shall familiarize themselves with the signature of the judge who writes his name on each ballot, and further provides that no ballot shall be counted that does not bear the judge's signature.

The courts of our state have held the requirements of such statutes to be mandatory rather than directory, largely upon the language in the statute to the effect that no vote can be counted that does not have the presiding judge's signature written across the blank side thereof, and in numerous cases have thrown out votes that did not have the presiding judge's signature written across the blank side thereof.

So, unquestionably, in so far as the voting boxes of Woodland Heights, Brooksmith, Chappel Hill and Winchell are concerned they will ~~have~~ be thrown out without any question.

I have not been able to find any court decision with respect to whether a rubber stamp will suffice for the judge's signature. The courts have held that where a judge initials the ballots it will be sufficient. That is bottomed upon the premises that each making an initial would have some peculiar way of making same and for that reason the counting clerks would be able to identify same. I do not believe that a rubber stamp would be sufficient.

There is a statement in Vol. 20, Corpus Juris, to the effect that a ballot would be rejected when the officer's name is stamped on the ballot with a rubber stamp. 20 Cor. Jur., Sec.180, page 152. The footnote to this cites two cases: Berryman vs. Megginson, 82 N.E. 256, and Choisser vs. York, 71 N.E. 940.

I believe, therefore, that the Bangs box can be thrown out.

In so far as Ward 1 is concerned, I believe if Mr. Brewer has signed his own name across the ballots as defacto presiding judge that same would have been all right.

The case of Walker vs. Mobley, 105 S.W. 61, while modified due to the fact that the local option elections are not governed by the provisions of the statutes, held that, although the signature of the presiding judge was written by someone else in his presence and under his direction, nevertheless the ballot was illegal and void and could not be counted.

I, therefore, feel that Ward 1 can be thrown out.

The writer of this memorandum represents Loudermilk in the proceeding in Brown County and thus far no attack has been made upon Ward 1. It is not known whether the opposition knows the facts concerning this, but I want nothing said about Ward 1 until after the contest is had in Brownwood on September 15th. In other words, I procured this information in line of duty to my client and would not want to divulge it so that it could be used in any sense against him.

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MEMORANDUM CONCERNING CERTAIN ILLEGAL VOTES COUNTED IN BROWN COUNTY, TEXAS, WHICH IS NOW INVOLVED IN A CONTEST IN THE COUNTY JUDGE'S RACE, BY REASON OF WHICH LYNDON JOHNSON MIGHT BE ABLE TO PICK UP SOME VOTES:

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Total	634	1102

In the event such boxes are thrown out it will mean a net gain in votes for Johnson of 468.

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In Ward 1, Mrs. Smith, who was the presiding judge, came to her post of duty but, due to illness, did not stay and no election was held by the folk there assembled to select a successor to her. A boy by the name of Brewer, who ~~is~~ is now upon attendance at the University of Texas, held the election as presiding judge. He had not been hired as one of the election judges. Mrs. Smith did not sign the ballots before she left, but Brewer signed Mrs. Smith's name to each of same. He did not sign his name as presiding judge or as a de facto presiding judge.

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There is pending in the District Court of Brown County, Texas, an election contest styled ~~vs.~~ "A. E. Wilson vs. F. A. Loudermilk, No. 11, 130" wherein A. E. Wilson, the present county judge, is contesting the election of Mr. Loudermilk, who received twelve more votes than he received, and he is asking that the voting box of Brooksmith be disregarded due to the fact that the presiding judge failed to sign the ballots. He has also stated that certain irregularities crept into the holding of the election at Ward 1, but he has not specifically alleged that the presiding judges' names were not written across the ballots.

Loudermilk has answered and by way of cross-action, and in an independent ~~a~~ suit, is asking that the voting boxes of Bangs, Woodland Heights and Winchell be disregarded because the presiding judges failed to write their names across the ballots. He also assails Chapel Hill for the same reason.

This hearing is set for next Wednesday morning, September 15th.

In addition to the above and foregoing, four absentee ballots were counted in connection with the Chapel Hill returns. They are in addition to the votes hereinabove set forth. One of the votes was for you and three for Stevenson. They were not in the hands of the election judges at Chapel Hill on Saturday and were not received until about Tuesday, having miscarried in the mail. These votes are illegal and should not be counted. They are included ~~in~~ in the official certification.

Revised Civil Statute, 3008 provides that each voter shall be delivered a ballot, on the blank side of which the presiding judge shall have previously written his signature.

Revised Civil Statute 3018 provides that the counting judges and clerks shall familiarize themselves with the signature of the judge who writes his name on each ballot, and further provides that no ballot shall be counted that does not bear the judge's signature.

The courts of our state have held the requirements of such statutes to be mandatory rather than directory, largely upon the language in the statute to the effect that no vote can be counted that does not have the presiding judge's signature written across the blank side thereof, and in numerous cases have thrown out votes that did not have the presiding judge's signature written across the blank side thereof.

So, unquestionably, in so far as the voting boxes of Woodland Heights, Brooksmith, Chappel Hill and Winchell are concerned they will ~~have~~ be thrown out without any question.

I have not been able to find any court decision with respect to whether a rubber stamp will suffice for the judge's signature. The courts have held that where a judge initials the ballots it will be sufficient. That is bottomed upon the premise that each making an initial would have some peculiar way of making same and for that reason the counting x clerks would be able to identify same. I do not believe that a rubber stamp would be sufficient.

There is a statement in Vol. 20, Corpus Juris, to the effect that a ballot would be rejected when the officer's name is stamped on the ballot with a rubber stamp. 20 Cor. Jur., Sec.180, page 152. The footnote to this cites two cases: Barryman vs. Megginson, 82 N.E. 256, and Choisser vs. York, 71 N.E. 940.

I believe, therefore, that the Bangs box can be thrown out.

In so far as Ward 1 is concerned, I believe if Mr. Brewer has signed his own name across the ballots as defacto presiding judge & that same would have been all right.

The case of Walker vs. Mobley, 105 S.W. 61, while modified due to the fact that the local option elections are not governed by the provisions of the statutes, held that, although the signature of the presiding judge was written by someone else in his presence and under his direction, nevertheless the ballot was illegal and void and could not be counted.

I, therefore, feel that Ward 1 can be thrown out.

The writer of this memorandum represents Loudermilk in the proceeding in Brown County and thus far no attack has been made upon Ward 1. It is not known whether the opposition knows the facts concerning this, but I want nothing said about Ward 1 until after the contest is had in Brownwood on September 15th. In other words, I procured this information in line of duty to my client and would not want to divulge it so that it could be used in any sense against him.

###

MEMORANDUM CONCERNING CERTAIN ILLEGAL VOTES COUNTED IN BROWN COUNTY, TEXAS, WHICH IS NOW INVOLVED IN A CONTEST IN THE COUNTY JUDGE'S RACE, BY REASON OF WHICH LYNDON JOHNSON MIGHT BE ABLE TO PICK UP SOME VOTES:

In the August run-off primary the candidates for the United States Senate received the following votes at the various voting boxes:

	<u>JOHNSON</u>	<u>STEVENSON</u>
Ward 1	350	528
Woodland Heights	37	134
Bangs	166	272
Brooksmith	31	56
Chapel Hill	38	93
Winchell	13	20
Total	634	1102

In the event such boxes are thrown out it will mean a net gain in votes for Johnson of 468.

The presiding judges at Woodland Heights, Brooksmith, Chapel Hill and Winchell did not sign their names on the ballots used by the voters, neither did such presiding judges initial same. Notwithstanding this fact, said votes were counted.

At the Bangs, Texas, voting box Mr. Switzer, the presiding judge, did not write his name on such ballots, neither did he initial same. He used a rubber stamp which he brought from the bank.

In Ward 1, Mrs. Smith, who was the presiding judge, came to her post of duty but, due to illness, did not stay and no election was held by the folk there assembled to select a successor for her. A boy by the name of Brewer, who is now upon attendance at the University of Texas, held the election as presiding judge. He had been hired as one of the election judges. Mrs. Smith did not sign the ballots before she left, but Brewer signed Mrs. Smith's name to each of same. He did not sign his name as presiding judge or as a defacto presiding judge.

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asking that the voting box of Brooksmith be disregarded due to the fact that the presiding judge failed to sign the ballots. He has also stated that certain irregularities crept into the holding of the election at Ward 1, but he has not specifically alleged that the presiding judges' names were not written across the ballots.

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COKE STEVENSON
813 Littlefield Building
Telephone 8-4686

AUSTIN, Texas, Nov. 12 - Of course, I am going to continue my efforts to provide Texas with a United States Senator who has a legitimate claim to the office. The clean sweep that President Truman made the other day carried with it no implication that open dishonesty and stuffing of ballot boxes would be countenanced by the United States Senate. The issue that has been made in Texas is that a nomination for the United States Senate was stolen. Charges that the nomination was stolen remain.

Certain newspapers who make a practice of journalism by distortion have sought to insinuate that now that the Democrats are in control of the Senate the seating of Johnson is a sure thing. Twice in the last twenty-five years a Republican Senate has rejected the pretended elections of Republican Senators whose claims to election were tainted with fraud. In 1925 a Republican Senate Committee conducted a recount after Brookhart of Iowa had been declared elected over Steck, and declared Steck elected. In 1926 the Senate voted 61 to 23 to seat Frank L. Smith of Illinois after its committee had found that nearly a million dollars had been spent in the Republican primary by all candidates with a contribution by Samuel Insull of \$125,000 for Smith. Mr. Insull's \$125,000 was chicken feed compared to what several single individuals spent for Mr. Johnson in Texas last summer.

Does anyone believe that a Democratic Senate of the Truman era will be any less sensitive to open fraud than was a Republican Senate in the Coolidge era? The laws against stealing an election have not been repealed.

The aspirant for the Senatorship, by whatever obvious methods he could employ, has combined a rare combination of fakery and cocksureness. He has sought to delude the electorate of Texas and the membership of the United States Senate. It can be shown that he conspired with others to steal the nomination after an hour in which it was determined that he had definitely lost the nomination.

The conditions surrounding the Democratic primary in Texas have been brought into clearer light by the turn of election events. Had the margin between the two parties been narrow there might have been contests of doubtful validity. Those surely would have been thrown in with the graver contests in Texas and it could have been charged that politics was at the base of it. Under the circumstances that now exist we can present a clearcut picture of the theft of the nomination for United States Senator in Texas. That we are prepared to do. That we intend to do.

One factor in the Democratic campaign in Texas this year has been given too scant attention. It deserves all the light the United States Senate can bring to bear, and surely the Senate will investigate the expenditures that were made in this campaign. I hope particular attention will be given to the telephone calls that went out from the old Hancock residence in Austin during the days immediately following the run-off primary on August 28. It is common talk that five men who had been the beneficiaries of a stewardship that belonged to the electorate that sent Mr. Johnson to Washington spent more than a million dollars to effect his nomination. At the proper time the names of these men will be given to the Senate Committees. These men have standing in Texas. It is unthinkable that any one of them would perjure himself before the United States Senate.

It is not that one man has been outraged by this indecency. It is that the whole people of Texas have been outraged. Even more than the good name of Texas -- the good name of the United States is at stake in this contest. In this testing time no United States Senate is going to countenance gross immorality in our elections.

By every cunning propaganda device the claimant to the Democratic nomination on every occasion since August 28 has sought to divert the attention of the people from the issue of election fraud by theft. He and his supporters have sought to make the people believe that there was election crookedness all over the State. He made mention of the fact that ballots have been thrown out by the courts in Brown County to change the results in a county race. It was shown in the courts that the impropriety there was merely an error on the part of the election judges. In morals the effect was to deprive honorable men and women of Brown County of votes they had lawfully cast. The people of Brown County took care of that issue when they went to the polls on November 2 and wrote in the name of the man they had originally voted for, and by their recorded votes in the general election, gave him the office he sought. But the fraud in Duval, Jim Wells and Starr and Zapata Counties has not been so erased. By much shuffling of shoulders attempt has been made to make light of the bloc voting that has gone on in those counties for a long time. This is the first instance in recorded history that those bloc voting counties have determined the outcome of a statewide election. And more than that, this is the first time that the manipulators of the voting in those counties were not content with all-out bloc voting, but re-opened the boxes in secret long after the election had closed and stuffed them with a directed number of ballots.

E. G. LLOYD, JR.
FRANK B. LLOYD
HOMER E. DEAN, JR.
PARKER ELLZEY

LLOYD & LLOYD
ATTORNEYS AT LAW
ALICE, TEXAS

December 8, 1948

Mr. Everett Looney
Looney, Clark & Moorhead
Brown Building
Austin, Texas

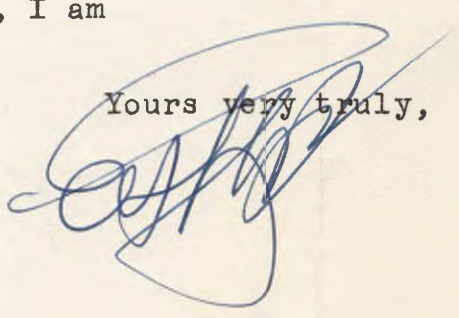
Dear Everett:

In reply to your letter of December 6th about the meeting of the Democratic Executive Committee of Jim Wells County, on September 3rd, Mr. E. M. Brownlee very definitely voted for Coke Stevenson. I have no way of knowing how the others voted except that I feel reasonably sure that C. T. Hewitt and B. G. Rokohl also voted for him.

It is possible that some of the others may have voted for him, but I never canvassed them to determine that fact.

With my kindest good wishes, I am

Yours very truly,



EGL:gp

LYNDON JOHNSON SPEECH
7:30 P.M., September 6, 1948
KTBC, Austin, Texas

Good evening, Ladies, and Gentlemen -

This is Lyndon Johnson. On this day when we do honor to the working man-- the most universally observed holiday--I want to report to you as the man for whom a majority of the people voted in the primary election held on Saturday, August 28, for the office of United States Senator.

My everlasting gratitude goes to the thousands of Texans who fought my fight; and to the half million Texans who voted for me. I shall spend the next six years justifying your faith and confidence. That is the best way I know to say, "Thank you."

To every citizen of Texas let me say that my one ambition and my only objective is to be the senator of every citizen of Texas. My voice shall be raised in behalf of those principles and policies which most nearly reflect the best judgment of a majority of our citizens. There is no room in my heart for revenge or vindictiveness.

Tonight I want to tell you about the last hectic week. The brightest spot was when some wit at my headquarters dubbed me "Landslide Lyndon." Seven years ago, I went through a similar experience. On election night in 1941, I was leading in the unofficial returns by 5,088 votes. All the newspapers conceded my election. But on Thursday the unofficial vote showed I was 1,095 votes behind; and in 1941, as today, the unofficial vote differed from the final official certified returns. Those certified returns showed I had lost by 1,311 votes.

I accepted that close decision. When I played sandlot baseball as a boy, they taught me that good sportsmen accepted the umpire's decision on close ones. I said there would be another time at bat. But the next time at bat, I was in the South Pacific, wearing my nation's uniform. I didn't get to bat again until 1948.

On Election night -- I was behind in the unofficial counting. This was a result of my opponent's majority in three big cities of about 30,000 votes. When the returns from those cities were all in, the trend set in, in my favor. We knew that the official, canvassed, figures were the only figures that we could rely on; and ten young veteran friends volunteered to get those figures. They worked at it for seven days and seven nights. The law says that the county chairman shall certify those results. We contacted those chairmen. Some of those chairmen were for Johnson; some were for my opponent. All we asked was that both sides be represented at the county canvass; that all the votes be counted; and that the vote be reported to us by telegram or telephone.

On the basis of these reports, we were positive by Tuesday that the official, certified results would show a majority for Johnson. Even in the unofficial counting the trend in my favor continued steadily after the big city vote was in--excepting for revisions and corrections in favor of my opponent. They were substantial corrections--400 in a northeast county; 225 in a west central county; 113 added in a Gulf Coast county and 100 in another Gulf Coast county; 400 transferred to his column in a deep east Texas county. The Dallas county returns were corrected after their first certification to take 2,000 votes from my total. I have not and do not charge any wrongdoing to anyone but even honest mistakes do temporarily affect the trend.

Last Saturday night at 8 o'clock we had the official vote from every county in Texas excepting Galveston County. At that hour, I said that the official certified returns would show a comfortable majority for me. These official returns will be canvassed next Monday by the state democratic executive committee in Fort Worth. The duty of that committee is to tabulate the returns and certify the result to the Chairman of the Convention.

Now everything was serene until Lyndon Johnson took an unofficial lead of 17 votes. Then the charges began to fly. Most of the talk was about the bloc votes in one county in Texas.

They were strangely silent about the bloc vote which gave my opponent a 30,000 vote lead coming out of three big cities.

You didn't hear of the Kenedy County bloc vote where only 8 votes were in the Johnson column.

You weren't told of the bloc vote in a box behind locked gates on the King Ranch where not one single vote went to Johnson nor of the box that came in Tuesday in another county where Johnson's vote was zero.

They didn't complain "bloc voting" in the Germania Hall box where the balloting was 20 to 1 against me.

Nobody asked for an investigation of the Panhandle county where I got 12 votes. Nor of the box in the sulphur-producing county where the vote for Stevenson 295, Johnson 35. Nor the precinct along millionaire's row, the River Oaks box in Houston, where Stevenson got 8 out of every 10 votes.

But strangest of all is the fact that all the hue and cry has taken so many, many years to develop. During all of these years, the newspapers have complacently reported the vote from that county year after year and my opponent has accepted the vote of that county. My opponent was in a position, as speaker of the House, lieutenant governor, and governor, to investigate that county. He did not. He did accept the county's vote. He has issued a statement inferring that the county's vote was for sale. If he had evidence to that effect in those years when he received the vote, it was his duty to present the evidence to a grand jury. If he has the evidence today, it is still his duty. I know that I did not buy anybody's votes. Mr. Stevenson carried this county in his first statewide race, for lieutenant governor in 1938, getting all but 198 votes. In 1940, for re-election, he received all but 141 votes. In 1942, as a candidate for governor, he lost only 77 votes. In 1944, for re-election, he got all but 17 votes.

Nor will I believe that the distinguished Texans who have served in high judicial and executive posts of our government bought those votes. In 1924, Dan Moody lost only four; in 1932, Ross Shaw Sterling lost 108; in 1940, W. Lee O'Daniel got all except 180, and in 1946 Beauford Jester lost 60 votes only in the county. The greatly beloved Morris Sheppard got all except 32 votes in the county in 1930, and lost but 49 in 1936. Our distinguished Tom Connally two years ago lost only 13 votes in the county. On the state's highest courts, the late Chief Justice G. M. Cureton carried all except 6 votes in the county, and Presiding Judge F. L. Hawkins of the court of criminal appeals lost only 13 votes. Our present attorney general, Price Daniel, in 1946 lost but 97 of the county's votes. Pat Neff in 1930 got all but 27 votes; and Railroad Commissioner Ernest O. Thompson lost only 50 votes in the county in 1932. This is the first time anyone has cried votes for sale.

The plain facts are that all of the hue and cry started only when they fell behind in the voting. That makes all too apparent their true concern and purpose which is to thwart the will of the people. That attempt may be made at the State Convention if we relax our vigilance. The true story may be told in a telegram sent out last week signed by a member of the Democratic State Executive Committee. This telegram asks certain people to be present at the State Convention; and it ends with these words: Use all of your influence for Coke Stevenson.

Now I am not asking anybody to use their influence for me, but I am asking that my friends attend that convention. I want you to go there, not to influence anybody or anything, but to see that there is fair play. When they start talking about using influence, it is time for honest citizens to be on guard. It is imperative that all of my friends be present, and I make this appeal publicly and openly because all I ask you to do is to see that the letter of the law is followed. I would not ask any use of influence; but I do ask for each of us a fair and square deal, according to the law.

I know you will do that because you are honorable men and women. I am fighting to keep the office which the canvassed returns will show that I won with your votes.

To the utmost of my energies and abilities, I will use that office to carry out my pledges to the people of Texas. I will fight for a strong America. . . an America dedicated to the ways of peace and progress. I will be the senator of every citizen of Texas, big or little. I shall try to be a good and faithful servant so that at the end of my tenure you will say, "Well done!"

And now... to speak for the women of my family. . . and to say good night for both of us . . . my beloved wife and best campaign worker. . . Ladybird.

Thank you, Lyndon, and thank you people of Texas, but there is one bloc vote that Lyndon forgot to tell you about, and that to me is a most important one--the vote in the little box of Karnack in Harrison County where I was born and raised. They voted for us 214 to 12. With such a tribute from my own folks in East Texas, I am not mad at anyone--not even those 12 people, because I am sure if they knew my husband as well as I do they would not have voted against him.

The day before the primary election, I was in a car wreck. In the terrifying moment when the car turned over, I had this one thought: "Why, oh why didn't I vote absentee." But Mrs. Max Brooks, who was with me, was not so lucky, and she is still in the hospital. Marietta Brooks typifies what is to me the most remarkable thing about this campaign--the volunteer workers. She has devoted all her time these last three months on a purely volunteer basis to working with the women of Texas to help elect Lyndon. Marietta is one. There are all sorts of people--housewives, businessmen, even school girls and boys--who have given us hours and days of their time and energy--and a whole heart full of their enthusiasm and determination.

There are hundreds of examples of the spirit that went to make up this campaign. Lyndon and I are humble before such loyalty as that shown by our own beloved Mary Rather, Lyndon's secretary, whose father died tragically a week before the campaign closed. We did not expect Mary to rejoin us before the campaign ended, badly as we needed her, but within four days she just walked in and said she was ready to go back to work; and there was Marjorie Jenkins, the wife of another of Lyndon's assistants, Walter Jenkins. Marjorie took all of three days off from campaigning when Walter Jenkins, Jr., was born, and then resumed telephoning from her hospital bed!

There is one other group of people I want to say a word to and that is our thousands of friends and helpers over the state whom we may never know by name or see face to face. Every day we hear of some person actively working for Lyndon simply because he believes in him. I know that for every such case we hear about, there were hundreds we will never know about. This may be my only chance to say thank you quite personally to you. To all of you, our thanks will be expressed by the kind of Senator Lyndon makes. You have his word and mine that we will do our very best for the people of Texas. That is the only way we can repay you. We want you all to do one more thing for us, and that is to meet us in Fort Worth next Monday. Thank you all again, and for Lyndon and myself, goodnight.

#####

Lyndon Johnson today issued this statement:

"While a large Metropolitan Newspaper and their candidate were leading me by fictitious votes, all was quiet and serene. When the official count, the honest count, put Lyndon B. Johnson in the lead, that newspaper and their candidate started ~~xxxxxx~~ screaming. I would like for them to explain how they corrected me out of 400 votes in Cass County, 225 votes in Eastland County, and to top it all, from their own columns, in today's paper, it appears that they have corrected me out of 2000 votes in Dallas County, in a two-time certification to the State Chairman before the votes were even canvassed. I am trying to stop the same thing from happening in Wharton and Chambers Counties. By their slanted headlines and their front page editorials, ^{that newspaper} ~~xxxxxxxx~~ ~~xxxxxxxx~~ and their candidate are trying to throw up a smoke screen in an effort to blind the good people of this State to what that newspaper and their candidate are ~~x~~ trying to do to Johnson.

It's a peculiar thing that my opponent and his newspaper sponsor thus far has made no mention of some counties that did a complete about-face, but when he trails by 17 votes, they cry for an investigation to be conducted by a committee composed of his old cronies in the Senate who are his financial, voting and speaking supporters. That's like a mother being asked to judge a baby show in which her twins are entered.

If they want an investigation, since this is a Federal election the Federal Bureau of Investigation, a disinterested and efficient agency, would be the proper agency to conduct it. I can furnish some good leads to such an investigating body.

When the honest count is in and all the votes cast are canvassed, I will, as I have maintained ~~xxxxx~~ throughout the counting of the votes, have a comfortable majority.

LLOYD & LLOYD
ATTORNEYS AT LAW
ALICE, TEXAS

E. G. LLOYD, JR.
FRANK B. LLOYD
HOMER E. DEAN, JR.
PARKER ELLZEY

December 6, 1948

Mr. Everett L. Looney
Looney, Clark & Moorehead
Brown Building
Austin, Texas

Dear Everett:

This will reply to your letters of November 27th and 29th. The official returns for the July 24th primary in the Senatorial race, in Precinct 13, were as follows:

Lyndon B. Johnson	309
Otis C. Myers	2
F. B. Clark	1
Roscoe H. Collier	3
Coke R. Stevenson	87
Cyclone Davis	2
Frank G. Cortez	51
Jesse C. Saunders	1
George Peddy	44
Terrell Sledge	0
James F. Alford	1

The official vote for the August 28th run-off primary was,

Lyndon B. Johnson	965
Coke R. Stevenson	60

The official vote in the Senatorial race for the general election on November 2nd was

Lyndon B. Johnson	1010
H. J. Porter	156
Sam Morris	2

The members of the Democratic Executive Committee, according to the records of B. F. Donald, Jr., Secretary, who canvassed the returns of the August primary on September 3, 1948, were Clarence C. Martens, Chairman, and the following Precinct Committeemen:

<u>Precinct</u>	<u>Committeeman</u>
1	E. M. Brownlee
2	Robert Almond (by proxy)
3	Absent
4	C. T. Hewitt
5	Alejandro T. Gonzalez
6	Absent
7	Alfredo Garcia (by proxy)
8	H. W. Havemann
9	Absent
10	Benito Torres (by proxy)
11	Absent
12	B. G. Rokohl

<u>Precinct</u>	<u>Committeeman</u>
13	Miguel Rios
14	Juan V. Gonzalez (by proxy)
15	Absent
16	Absent
17	Zaragosa Garcia

Actually, I had a proxy for R. San Miguel, Committeeman from Precinct 6, and for A. V. Lozano, Committeeman from Precinct 11, but for some reason or other, the Secretary did not have the names on the list. Furthermore, H. E. Harper, Committeeman for Precinct 15, had given his proxy to Clarence C. Martens, County Chairman, who had it at the time, but for some reason the Secretary failed to note it.

As a matter of fact, the only absentees were the Committeemen from Precincts 3, 9 and 16, the others being represented either in person or by proxy, as indicated above.

The complete list of the Executive Committee, as it existed on September 3, 1948, is as follows:

Clarence C. Martens, Chairman		
E. M. Brownlee	Committeeman, Precinct	1
Robert Almond	"	2
T. N. Dorris	"	3
C. T. Hewitt	"	4
Alejandro T. Gonzalez	"	5
R. San Miguel	"	6
Alfredo Garcia	"	7
H. W. Havemann	"	8
M. A. Evetts	"	9
Benito Torres	"	10
A. V. Lozano	"	11
B. G. Rokohl	"	12
Miguel Rios	"	13
Juan V. Gonzalez	"	14
H. E. Harper	"	15
Ernesto Trejo	"	16
Zaragosa Garcia	"	17

With all good wishes, I am

Yours very truly,

EGL:VR

LLOYD & LLOYD
ATTORNEYS AT LAW
ALICE, TEXAS

February 26, 1949

E. G. LLOYD, JR.
FRANK B. LLOYD
HOMER E. DEAN, JR.
PARKER ELLZEY

AIR MAIL

Senator Lyndon B. Johnson
Senate Office Building
Washington, D. C.

FEB 28 A.M.

Dear Lyndon:

I am sorry that I did not give you the detailed information you desired about the vote in Precinct 13. However, I have gone to the records and the vote in Precinct 13 in the State races, in the July primary, for the offices where there was a contest, was--

U. S. Senator

Lyndon B. Johnson	309
Otis C. Myers	2
F. B. Clark	1
Roscoe H. Collier	3
Coke R. Stevenson	87
Cyclone Davis	2
Frank G. Cortez	51
Jesse C. Saunders	1
George Peddy	44
Terrell Sledge	0
James F. Alford	1

Chief Justice, Supreme Ct.

J. E. Hickman	360
Charles T. Rowland	121

Judge, Ct. of Cr. Appeals

Harry N. Graves	72
W. E. Myres	396

Railroad Com'r (Reg. Term)

Ernest O. Thompson	78
Tom Blakey	357

Railroad Com'r (Unexp. Term)

Wm. J. Murray, Jr.	54
Carlton Moore, Sr.	50
Clyde Austin	424

Com'r of Agriculture

J. E. McDonald	365
James D. Griffin	131

Governor

Caso March	289
Sumpter W. Stockton	3
Roger Q. Evans	46
Charles B. Hutchison	8
Holmes A. May	9
Beauford H. Jester	132
W. H. Minton	4
Denver S. Whiteley	9

Lieutenant Governor

Allan Shivers	409
Turner Walker	87

Assoc. Justice, Supreme Ct. (Pl. 2)

John A. Rawlins	142
James P. Hart	332

Assoc. Justice, Supreme Ct. (Pl. 3)

W. St. John Garwood	132
Jefferson G. Smith	392

Com'r G.L.O.

Bascom Giles	353
M. Carl Smith	21
William T. Mayfield	48
R. J. Robison	34

State Treasurer

Jesse James	402
Bruce Lloyd	83

Representative, U. S. Congress, 14th Dist.

John E. Lyle	1017
Morris Knight	182

State Representative, 71st Dist.

O. E. Cannon	826
Gabe Garrett	156
Edgar H. Eggert, Jr.	94

The ballot in the July primary was printed on a long wide sheet in two columns. All of the candidates for State offices appeared in the lefthand column. The candidates for Congress, 14th Congressional District, appeared at the top of the second column, that is, on the righthand side of the ballot, and following those were the candidates for the several District, County and Precinct offices.

You will observe there is a considerable difference in the number of votes for State offices, as compared to the number of votes for Congressional District and local offices. That is always the case here and probably elsewhere. This is usually occasioned by the fact that the interest in local races is so intense the voters do not pay as much attention to the State races as they do to the local races. This, however, is only a surmise or guess of mine.

The vote in the August primary, in Precinct 13, in the only two races, was--

U. S. Senator

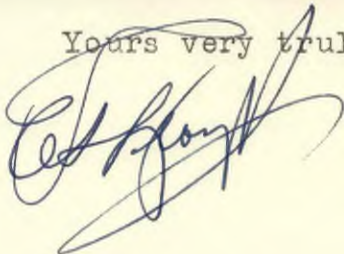
Lyndon B. Johnson	965
Coke R. Stevenson	60

State Representative

O. E. Cannon	977
Gabe Garrett	50

With my kindest good wishes, I am

Yours very truly,



EGL:VR