

CHRONOLOGICAL SUMMARY OF EVENTS RELATIVE
TO PRIMARY

On September 3, 1948 J. Leonard Davidson sent a telegram to the A.G. as follows:

"I urge that you use the authority of your high office to investigate the flagrant manner of vote counting in Texas election for a Senator Stop The counting of votes indicates open rebellion against preservation of individual rights Stop Only by a Congressional investigation of this election can the faith of the voter be restored in public elections for Government offices. Sincerely."

This telegram contained the following notation:

"See memo of October 14, 1948 to F.B.I. re interview with complainant. Reply not necessary."

The next item is a letter from Carleton D. Speed, Jr. transmitting a clipping from the August 31, 1948 issue of the Houston Chronicle. The headline of the clipping was

"Stevenson increases lead to 430."

A front page column entitled "Our City" complained about conditions in Duval County. The letter asked

"Is it asking too much of you as a public servant to use some of the money and staff hardly paid by Texas citizens to correct this abscess which has been known to exist in Texas politics for such a long time?"

The letter also referred to the fact that

"You as a Texan know * * * that political voting frauds have been perpetrated in Duval County, Texas for several decades."

The letter dated September 1, 1948 had the following letterhead:

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

This letter bore the same notation as the above telegram.

On September 4, 1948 the Houston Chronicle sent a telegram to the A.G. charging that block voting would determine the outcome of the race, and called for a "real investigation". It stated that

"Political rights of a large number of citizens are being destroyed, and, since the Administration insists it is determined to protect such rights, it should make an investigation of the situation. The Chronicle adds its appeal for your help in securing a real investigation * * * . May we request a telegraph reply as to your intentions."

This telegram bore the same notation as above.

On September 4, 1948 Lamar Fleming, Jr. sent a telegram and urged

"immediate investigation to protect the right of suffrage * * *."

He cited results in Duval, Webb, Starr and Zapata Counties in support of his request.

This telegram bore the same notation as above.

On September 7, 1948 Andrew Jackson Wray sent a telegram to the A.G. and asked for an "immediate investigation

to guarantee justice."

There followed a photostat of the column "Our City" from the Houston Chronicle, September 1, 1948, which complained generally about Duval County conditions, as well as a clipping from the Chronicle, dated September 4, 1948, bearing the headline

"Johnson asks Senate race probe by F.B.I. - says Agency proper one to make it - candidate declares he was corrected out of 2000 votes in Dallas County - predicts victory."

On September 10, 1948 a memorandum entitled "Re Alleged Irregularities - Texas Special Election August 28, 1948 - Election Laws" from J.E.H. to A.M.C. called attention to the Houston Chronicle story and stated that

"Neither the Houston Division nor the Bureau in Washington have received any complaints with regard to the run-off election between Mr. Johnson and former Governor Coke Stevenson. No investigation is being conducted."

However, the articles in the Houston Chronicle were referred to "as background" respecting Duval County "alleged to be under the control of a political group known as the Parr machine." The memorandum also indicated that on September 1, 1948 a reporter for the Houston Chronicle advised the Houston office that the Chronicle was in the process of

waging a drive to do something about these illegal practices, and that he felt sure that stiff front page statements would be forthcoming in the Chronicle calling for action on the part of the A.G., as well as the F.B.I. The memorandum concluded that

"No investigation will be conducted in the absence of a request from you."

On September 10, 1948 Earl Braly, 1004 N. Fowler St., Palestine, Texas, sent a letter transmitting

"data from the Houston Chronicle for whatever it may be worth."

One clipping was entitled "Boss Parr Gives Chronicle Reporter the Bum's Rush When He Tries to Ask Questions About Voting."

On September 13, 1948, C. D. Speed, Jr. sent a letter, ^{without comment} citing the fact that he had received a letter from J.E.H. stating that

"All of the information relating to alleged irregularities * * * has been brought to the attention of Mr. A. M. Campbell, Assistant Attorney General, Criminal Division, Department of Justice. As yet no investigation has been requested by Mr. Campbell in this regard."

On September 14, 1948 J.E.H. sent a memorandum to A.M.C. merely stating that all information regarding the primary has heretofore been ~~ordered~~ ^{forwarded}.

On September 16 J.E.H. sent a memorandum to A.M.C. transmitting photostats of further Houston Chronicle articles

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and stating that

"As you know, no investigation is being conducted with respect to the allegations in these articles."

On September 21, 1948 Mr. Jimmie Lederer, 3005 Glenview Avenue, Austin, Texas, sent a letter to Mr. Abbott Rosen, Chief of Civil Rights Section, Criminal Division, referring to voting in the primary and stating that

"These boxes ought to be gone into, recounted and people checked to see who did the voting."

This letter was acknowledged October 5th.

On September 17 Earl Braly, Palestine, Texas sent a letter to the A.G. transmitting clippings from the Houston Chronicle and the Palestine Daily Herald and stated, in part

"Texans feel very keenly that something should be done about it in the immediate future."

This letter was acknowledged on October 5.

At about the same time Mrs. T. E. Trostle, Route #2, Shamrock, Texas, sent a letter to the A.G. and asked for a

"full investigation of the Senatorial contest and this asserted fraud."

This letter was acknowledged by A.M.C. on October 29.

There next appears a letter from E. G. Lloyd, Jr. to John E. Lyle, Jr. enclosing a clipping from the Alice Daily Echo, dated September 19, 1948 indicating that 200 signatures

had been obtained on a petition for an inquiry by the F.B.I. into the voting. Mr. Lloyd's letter stated that

"The petition was circulated by C. W. Price, Jr., son of C.W. Price, former Sheriff of the County, who headed a political machine that dominated Jim Wells County for 25 years * * *. They are the same folks who are fighting President Truman, Lyndon Johnson and our friends."

Presumably Mr. Lyle forwarded this letter to the Department.

On September 21 a memorandum was sent by J.E.H. to A.M.C. calling attention to an article in the Washington Post, dated September 16, indicating that Stevenson had taken the matter to court and Judge T. Whitfield Davidson had issued a restraining order. It also referred to another investigation captioned "Luis Salis Precinct 13, Alice, Texas, Texas Primary Election July 24, 1948, Election Laws."

On September 23 A. Abbott Rosen, Chief, Civil Rights Section, sent a memorandum to A.M.C. asking what disposition should be made of unanswered letters and telegrams. On October 17 this memorandum was returned with notation

"You see Peyton about these. I talked to him about these this today, and he is expecting you."

On September 27 M. H. Hammond, U. S. Marshall, Houston, sent a telegram to S. A. Andretta asking that he

"Wire authority for expense of mileage and per diem for Deputy Marshalls to attend *Hearings before* Special Masters appointed by Federal court to hear testimony in vote fraud in Senate race. Hearings to be held in Duval and Zapata Counties."

A notation indicated Mr. Andretta's approval on the same date.

On October 11 J.E.H. sent a memorandum to A.M.C. transmitting copies of Houston Chronicle editorial dated September 29, together with a copy of a previous memorandum respecting the Luis Salis case. The memorandum summarized the legal actions of Stevenson and Johnson and stated

"No active investigation will be conducted until you advise further."

On October 14 J.E.H. sent a memorandum to the A.G. entitled "Alleged Irregularities Texas Special Election September 28, 1948" advising that an AP dispatch in the Houston Chronicle on October 12 stated that

"An investigation by the United States Senate of the Johnson-Stevenson election is being waged in a state wide petition being circulated by two San Antonio men, Attorney R. Neale Campbell and contractor W. D. Bacon. According to the article these individuals have stated that the petition will ask the United State Senate to investigate * * * under the 'insurrection and rebellion' clause of the Constitution and will ask the Senate to refuse to seat Mr. Johnson until the inquiry is finished."

This memorandum also summarized the court actions up-to-date and referred to the report of the Masters appointed by Judge Davidson to the effect that their investigation had not been completed and for this reason no conclusion had been reached. The memorandum also stated that

"Information has also been furnished previously to Mr. Campbell to the effect that State District Judge Boeter has announced at Alice, Texas that the next state Grand Juries in Jim Wells and Duval Counties will be instructed to investigate charges of fraudulent voting in the Democratic primary."

The memorandum also indicated that the Houston Press for October 11, 1948 stated that the Duval County Grand Jury was expected on that date to confer with District Attorney Frank Lloyd regarding the calling of former Governor Stevenson for questioning concerning his activities in that City in connection with the August 28, 1948 run-off primary election. The article also indicated that the Grand Jury might subpoena Texas Ranger Captain Frank Homer and J. R. Burnett, San Antonio, Texas. Burnett was one of the individuals who was appointed a Special Master by Judge Davidson to investigate the alleged irregularities in Duval County. It was reported that Captain Homer accompanied candidate Stevenson to a Federal court of inquiry conducted by Mr. Barnett last month. The memorandum closed by stating that

"No investigation is being conducted by the Bureau on this situation. However, you will be advised of all pertinent developments coming to the Bureau's attention. It will be appreciated if you will advise the Bureau whether any other action is desired."

This memorandum was sent by the A.G. to A.M.C. on October 21.

On October 19 A.M.C. sent a memorandum to J.E.H. stating

"It is requested that a preliminary investigation be instituted to determine whether there are indications of fraud in this election amounting to a Federal violation. We have received somewhat general complaints from the following people: 1) The Houston

Chronicle, Houston, Texas; 2) Lamar Fleming, Jr., Houston, Texas; 3) J. Leonard Davidson, Houston, Texas; 4) Andrew Jackson Wray, Houston, Texas; 5) Carleton D. Speed, Jr., Second National Bank Building, Houston, Texas; 6) Earl Braly, 1004 N. Fowler, Palestine, Texas; 7) H. L. Poole, Box 269, Alice, Texas; 8) J. H. Holmgreen, 704 S. Cameron Street, Alice, Texas. It is requested that these people be interviewed for the purpose of obtaining any specific information that they may have which indicated fraudulent practices in the election. As you know, Sections 51 and 52 of Title 18, U.S.C. are the applicable statutes."

Carbon copies were sent to the following:

- 1) Frank Potter, U. S. Attorney, Forth Worth.
- 2) Brian S. Odem, U.S. Attorney, Houston.
- 3) Steve W. King, U.S. Attorney, Beaumont.
- 4) Henry W. Mourseund, U.S. Attorney, San Antonio, Texas.

The copies to the above four U.S. Attorneys were transmitted by a letter which stated:

"Please direct this investigation if the Bureau finds that its leads extend into your district. When you have reached a conclusion in this matter, we would appreciate your views. /s/ A.M.C."

On October 22, J.E.H. sent a memorandum to A.M.C. acknowledging the receipt of A.M.C.'s memorandum of 10/19/48 and stating that the appropriate divisions in Texas had been instructed to contact the eight persons involved and that when the information had been obtained the appropriate U.S. Attorneys would be consulted concerning what additional investigation they desired, and a report would be submitted.

The memorandum also summarized the past history of the matter, including the court contest and the partial

investigation by the U. S. District Court in Texas and stated that

"Apparently no evidence of fraud was discovered by the partial investigation."

It also referred to an AP dispatch datelined San Diego, on October 19, 1948, stated that the Duval County Grand Jury had made a report which stated, in part

"We have made a careful investigation of the manner in which the August primary was conducted. We have called many witnesses and have found no evidence of improper conduct. On the contrary, we wish to congratulate the election officials on the orderly manner in which the election was handled."

This memorandum also asked to be advised as to the substance of the various complaints which had been received by the Department.

On October 28 A.M.C. sent a memorandum to J.E.H. stating:

"This will refer to your memorandum of October 14, 1948, concerning this case. Among other things, it is indicated that the jurisdiction acknowledged by the Federal court is now terminated. You asked for advice as to whether any other action is desired. It is assumed that by now you have received our memorandum of October 14, 1948 which requested an investigation of this case."

On October 29 A.M.C. sent a memorandum to J.E.H. asking that the following names of complainants be added to the list for interviews:

- 1) Mrs. T. E. Trostle, Route #2, Shamrock;
- 2) Jimmie Lederer, 3005 Glenview Ave., Austin, Texas.

The memorandum also stated in part that the

"only complaint of even remote assistance is contained in the complaint of Lamar Fleming, Jr. (whose name appears in our memorandum of October 19)."

The memorandum then went on to point out that Fleming had indicated that when the voting in Duval County had been stated to be nearly complete the votes stood 4195 for Johnson and 38 for Stevenson, whereas the complete returns showed 4622 for Johnson and 40 for Stevenson; that the vote first reported from Zapata showed 711 for Johnson and 158 for Stevenson, and that this vote was changed to 669 for Johnson and 71 for Stevenson, and that the vote in Jim Wells County was revised by adding 202 votes to the total for Johnson and one vote to the total for Stevenson. It was also stated that the change in the vote of Jim Wells County gave Johnson a 44 vote lead on a state-wide basis.

On October 29 Mr. Rosen of the Civil Rights Section sent a memorandum to Mr. Gallagher stating that

"I want to leave the thought with you that this matter should be pressed vigorously. As you know, the Department held this matter in abeyance pending the outcome of the civil litigation instituted herein. Now that that litigation is disposed of and we have already taken our initial steps we should make up for the time unavoidably lost."

On October 27 Steve King sent a telegram from Beaumont to A.M.C. stating

"Earl Braly interviewed today at Palestine. He has no information as to election irregularities any where. Newspaper article concerning George Parr of Duval County caused him to forward complaint. His complaint had no reference to Anderson County. Therefore ballots in Anderson County not to be impounded."

On October 18 Odem sent a telegram to Campbell stating

"I am reliably informed Senate Subcommittee has impounded or is taking steps to impound in Duval, Jim Wells, Zapata, Starr, Jim Hogg, Harris, Galveston, Wharton, Chambers Counties, all in Southern District of Texas."

A letter from Moursund of the Western District of Texas to the A.G. acknowledged receipt of the letter of October 19 and stated

"To date there have been no complaints of any irregularities in this district. If such complaints are made I will have them thoroughly investigated."

On October 28, 1948 J.E.H. sent a memorandum to A.M.C. setting forth the results of the interviews with the eight persons whose interviews had been requested by A.M.C.'s memorandum of October 19. In general the memorandum indicated that all of the persons disclaimed having any factual or personal knowledge which would indicate fraud in the election. It pointed out, however, that Mr. Walter, Editor of the Houston Chronicle, placed great importance on the reported activities in Box 13 of Jim Wells County.

Walter stated that 202 ballots were reportedly ^{accepted} ~~acknowledged~~ for count after closing of the polls at 7 p.m., and that his information indicated that these ballots were given to the voting officials in alphabetical order and that notations of their being received were made on the registers in ink of a different color than was used to record the receipt of ballots prior to the closing of the polls. Walter stated that this matter on its face was sufficiently suspicious to justify a thorough investigation.

The memorandum also indicated that Assistant U. S. Attorney Wm. R. Eckhardt, Houston, requested the Bureau to

"discreetly determine the exact location and availability of ballots in Jim Wells and Duval Counties. ¶ The Bureau notes your advice to Mr. Odem that you do not desire anything done along the lines of impounding the ballots at this time. It is further felt that you will in all probability be in conference with representatives of the Senate Investigating Committee for the purpose of correlating these investigations and accordingly it is believed that you may wish to obtain this information concerning the ballots from the Senate Committee. Because of this the Bureau will not take any action concerning ~~assisting~~ U.S. Attorney Eckhardt's request to determine the location and availability of these particular ballots unless you advise that such action by the Bureau is desired."

On November 11 J.E.H. sent a memorandum to A.M.C. referring to his memorandum of October 28, and stating

"U.S. Attorney Odem requested Houston Division that he be furnished with a copy of the report filed by the Duval County Texas Grand Jury and copies of any reports filed by Messrs. J. M. Burnett and W. P. Smith, Jr., the Special Masters appointed by Federal Judge T. Whitfield Davidson, Fort Worth, Texas to look into these irregularities. He has further requested information surrounding the alleged burning of ballots in Duval County, Texas.

"It is noted that some information relative to the three above situations has been furnished to you in previous memoranda from the Bureau. However, the U.S. Attorney's request is being given immediate attention and both the U.S. Attorney and the Department will be furnished this additional information as soon as it is available.

On October 28 J.E.H. sent a memorandum to A.M.C. indicating that the Houston Division had advised of an AP dispatch dated October 25th reporting that Joseph Langan, one of two U. S. Senate Committee investigators seized ballot boxes, tally sheets and poll lists in Zapata and Starr Counties on October 25, 1948. It also indicated that Truman Phelps, a Lardeo, Texas attorney, had stated on that date that he had accompanied Langan and that the seized materials would be sent to Washington. Phelps also stated that Langan seized election returns and poll lists from three or four precincts in Zapata, but that the tally sheets and poll list from precinct¹³ were missing.

The memorandum also referred to the Houston Post article of October 22 to the effect that the ballots in

Jim Wells, Zapata and Duval Counties for the August 28 primary would probably be impounded on October 25 or October 26th. The information was attributable to Mr. Nelson Deranian, Committee Counsel.

The memorandum indicated in addition that the Houston office had advised that ballots and election paraphernalia in Duval and Jim Wells Counties were impounded by the Senate Election Committee on October 23 and October 25th, the action apparently having been taken on a request of Stevenson who asked the Committee to act before October 27, the last day on which Committee officials were ^{required} ~~requested~~ to preserve the election ballots under Texas law.

The memorandum continued that

"The Houston office has advised that the investigation requested in your referenced memorandum is presently in progress. It has been noted that Mr. H. L. Poole of Alice, Texas, one of the individuals to be interviewed, was possibly subpoenaed before Judge T. Whitfield Davidson of Dallas, Texas. At the time Judge Davidson was conducting an inquiry into the case. Mr. Poole is reported to have furnished all the information in his possession regarding irregularities in Jim Wells County to the court under oath. This is being brought to the attention of the U.S. Attorney at Houston with the thought that the U.S. Attorney may desire to have a copy of that sworn testimony secured."

On November 10, 1948 A.M.C. sent a memorandum to J.E.H. referring to J.E.H.'s memoranda of October 28 and November 3 stating, in part

"We agree that no purpose would be served at this time in determining the location or availability of the ballots to which you refer."

It is also stated, referring to J.E.H.'s memorandum of November 3 that

"Our request to Mr. Odem for the information you referred to preceded receipt of your memorandum. As stated to Mr. Odem, it is not desired that an actual investigation of the ballots' destruction in Duval County be made, but rather we are interested at present only in a general report for background purposes, since the investigation so far does not indicate an investigation as such of the ballot destruction. The information in your memorandum of October 28 referring to the ballot destruction is along the line of what I had in mind. We note also that the U.S. Attorney had already requested copies of the report by the Duval County Grand Jury and the Special Masters appointed by Judge Davidson."

An agent's report which was the basis of J.E.H.'s memorandum of October 28, 1948 to A.M.C. stated the following with respect to the interview had with H.L. (Ike) Poole of Alice, Texas:

"Mr. Poole advised that he had nothing whatsoever to do with the August 28, 1948 run-off election. He said that all of his activity relating to the election held in Jim Wells County had to do with the primary election on July 24, 1948. His connections with that election are being reported in another investigation being conducted by the Houston office."

"Mr. Poole stated, however, that on September 7, 1948 he was in conversation with Mr. Rufino Lopez, an insurance salesman of Alice, Texas, who had a position as election official for Precinct 13, Alice, during the August 28 election. Lopez told Poole on that date that there were 841 votes actually cast for Box 13 in Alice, Texas, on August 28, 1948. Mr. Poole continued by saying this number of course was in variance with the official returns of Box 13, which indicated that 1041 votes had been cast. Mr. Poole said that several days later he was again in conversation with Lopez and again asked Lopez how many votes had been cast in the August 28 election. Mr. Poole stated that Lopez replied on that occasion that 1041 votes had been cast and Lopez denied ever having told Poole anything different."

On October 11 the Dallas office of the Bureau reported on an interview held in Shamrock, Texas with Mrs. T. E. Trostle. She stated her complaint had been based entirely on radio and newspaper reports and that she had no direct information containing any irregularity.

A similar report on an interview with Braly of Palestine, Texas stated that he had disclaimed having any factual or personal knowledge which would indicate fraud. This latter report also indicated that Judge Davidson did not have a copy of the transcript of the hearing and that it was available at the U. S. Court of Appeals at New Orleans.

A report from the San Antonio office of the Bureau, dated November 11, 1948, indicated the following:

"Former Governor Dan Moody and former Texas State Senator Clint Small, Sr. advised that they had no knowledge of any irregularities in the instant election. All their information was obtained from testimony and affidavits of individuals who purported to have personal knowledge. Josh H. Groce, attorney, San Antonio, advised that he and other attorneys for Coke Stevenson conducted an investigation relative to Precinct 13 in Jim Wells County, Texas and ascertained that 200 fraudulent votes were cast for Lyndon Johnson. Groce advised that they obtained sworn affidavits from persons for whom a vote was cast wherein they claimed they cast no vote. All such affidavits and documents relative to their investigation have been turned over by Mr. Groce to Mr. Arthur Broer, Senate Investigator, and are now in the possession of Mr. Nelson Deranian, Chief Counsel, Election Committee, 106 Senate Office Building, Washington, D. C."

The report also indicated that Dan Moody was interviewed at 1205 Capital National Bank Building on November 1. Moody stated that he had no personal knowledge of any irregularities, that his connection with the case had been to draw a petition at the request of Stevenson. The petition was prepared in conjunction with former Texas Senator Clint Small, Jr. and was based on statements of fact made to them by Stevenson, Wroe, Owens, Austin attorney and former F.B.I. agent, and Kellis Debrell, a San Antonio attorney, and also a former F.B.I. agent. Moody stated that this petition was not filed before the votes were canvassed, but subsequent to the canvassing it was redrawn by Attorney C. C. Renfro of Dallas. The petition included affidavits from witnesses and individuals from Jim Wells

County and a letter from the election Judge in Zapata County, as well as additional testimony taken by a special commission composed of former U.S. Attorney W. R. Smith of San Antonio and former Assistant U.S. Attorney James McCollom Burnett of San Antonio. This Commission was appointed by Davidson to obtain additional testimony. Moody also stated that the testimony of witnesses at the hearing held by Judge Davidson in Dallas, Texas, was obtained by the questioning of Attorney Josh Groce of San Antonio, and that a transcript of all testimony at this hearing could be located at one of the following places: 1) Clerk of the U. S. Court of Appeals, Fifth District; 2) Nelson Deranian, Counsel for the Senate Subcommittee; 3) Clerk of the Supreme Court of the United States. Moody also stated that he had received a copy of a letter which Coke Stevenson had addressed to the U.S. Senate Committee on Privileges and Elections in which Stevenson had enclosed a copy of the entire transcript of testimony before Judge Davidson. Moody also stated that Nelson Deranian on October 29 had requested all of the records in his possession regarding the alleged irregularities in the August 28 election and that he had mailed to Deranian a transcript of the record of the Court of Appeals,

Fifth District, respecting an appeal which Johnson had taken from Judge Davidson's injunction order. Moody also stated that all of his information had been furnished by other individuals, that he had taken no part in questioning witnesses at the hearing in Dallas and that in his opinion the following individuals would possess first hand information concerning irregularities:

- 1) Josh Groce, San Antonio;
- 2) Wroe Owens, Austin;
- 3) Kellis Debrell, San Antonio;
- 4) Jim Gardner, San Antonio;
- 5) W. R. Smith, San Antonio;
- 6) James McCollom Burnett, San Antonio

In an interview with Josh Groce the following information was obtained. Groce stated that he was a member of the State Democratic Executive Committee of Texas. Groce stated he was requested by Moody to handle a factual investigation in Jim Wells County which he did. He advised that considerable evidence was unearthed relative to illegal voting practices, and several signed affidavits were obtained from persons whose names appeared on the voting lists who actually claimed that they had not voted. He stated that all of their evidence, together with the original sworn affidavits and other documents had been turned over to Arthur Broer, a member of the Senate Committee investigating staff and that at the present these documents were in the

possession of Mr. Nelson Deranian, Chief Counsel of the Subcommittee. He also stated that there is no question but what there was considerable fraud in Jim Wells, Starr, Duval and Zapata Counties, and he advised that he would be glad to furnish any information he could, but that he could not furnish factual information without the necessary documents before him. He suggested that the Bureau contact Deranian for information relative to the irregularities in Precinct 13 in Jim Wells County. Groce furnished a copy of a transcript of a speech which he had given some 50 odd times over the Texas State Broadcasting net work. This speech contains a summary of findings in Jim Wells County.

This speech indicated in part that 200 votes had been added to the total in Precinct 13 after the polls were closed, that the names appeared in alphabetical order, that Johnson obtained an injunction preventing an investigation, that voters No. 841, 891, 911, 920 and 1041 listed as voting had all stated they didn't vote. The speech also quoted Judge Davidson's statement made in open court when granting the Stevenson injunction.

Groce also advised that he had subsequent to their investigation in Jim Wells County obtained an

affidavit from another individual who had seen the original count of 765 votes at Precinct 23. This individual, although he has moved from Alice, Texas, still has members of his family in Alice and also still owns property and is very fearful that some harm may come to his home and family, and that therefore he has requested that his name not be disclosed. Mr. Groce advised that this man's statement was not furnished to the Senate investigator, but that he would be willing to furnish it to the Bureau if an additional investigation is conducted in the matter.

On November 16, 1948, J.E.H. sent a memorandum to A.M.C. which, among other things, enclosed a photostat copy of the transcript of the Coke Stevenson trial which was secured at the C.C.A. in New Orleans. The memorandum stated

"A small amount of investigation remains outstanding in this matter, and you will be further advised within the next few days."

On November 23, 1948 Brian S. Odem, U. S. Attorney, by William R. Eckhardt, Assistant U. S. Attorney, sent a letter to the A.G. stating

"We have carefully examined the investigative reports submitted by the Federal Bureau of Investigation in connection with this matter, the transcript of the

hearings before the Special Masters appointed by the U. S. District Court at Ft. Worth, Texas, and also a transcript of the proceedings had before the court at Ft. Worth and on appeal in the U. S. Circuit Court. In this connection we are transmitting herewith photostatic copy of the transcript in question. It appears from the testimony given before the court at Ft. Worth that there may have been some irregularities in connection with the voting at Box 13 in Jim Wells County. However, in our opinion because of the loss or destruction of the necessary records it would not now be possible to prove beyond reasonable doubt that an offense against the laws of the United States had been committed.

"If the Department believes that Sections 51 and 52 of Title 18, U. S. Code are applicable to the facts in the case, and that an offense under these sections could be proved in the absence of the original voting records, then an additional investigation should be made to contact individually persons mentioned in the transcript of proceedings had at Ft. Worth. Otherwise it is our opinion that the case should be closed without prosecution."

On January 6, 1949 A.M.C. sent a letter to Odem as follows:

"This will refer to your letter of November 23, 1948 concerning this case.

"The material you forwarded with your letter has been reviewed. We are in accord that the unavailability of the voting records in a voting fraud case would be a serious handicap in any such prosecution, since, as a general proposition, they are ordinarily the essence of the case.

"However, we would appreciate being advised further concerning the destruction of the voting records herein, a description of the records, the circumstances surrounding their destruction, etc.

"We would also be interested in any further observations or views you may care to express.

"Upon receipt of the requested information we will communicate with you further."

On November 24, J.E.H. sent a memorandum to A.M.C. transmitting reports from the Houston Division. The memorandum stated that the Houston Division advised that an AP dispatch datelined November 16th, Alice, Texas appeared in the Houston Post and related that the Jim Wells County Grand Jury submitted its report on Tuesday, November 16 to District Judge Boeter and stated therein that there was a

"complete lack of responsibility toward the handling of the ballots and other election records."

The Houston Division also stated that the Grand Jury pointed out that its investigation was limited by the seizure of records by the Federal government. The Grand Jury also recommended changes in the election laws to eliminate irregularities and place definite responsibility on election judges and other officials, and to enable the Grand Jury to have access to ballot and other election records. The Grand Jury also urged that Jim Wells County buy new ballot boxes with good locks. These would be assigned to election judges and the County Chairman.

The report also quoted an article by Claude Ramsey, United Press Staff Correspondent, dated October 24, 1948, entitled "Duval Ballot Burning Janitor's Routine Job." The article stated

"An aged janitor, a long time Court house worker burned the Duval County ballots and other records of the bitterly contested August 28 run-off primary. The burning occurred in broad daylight on October 19,

?? a week ago Tuesday, in a smoke blackened wire basket in a vacant lot just across the street from the brick courthouse. As pieced together by this reporter Wednesday by Duval County officials, the incident had serio-comic overtones. Two special United States Senate investigators - Arthur B. Broer and Joseph Langdon - who wanted to impound the ballots and other records were not available for questioning. They reportedly took an exceptionally dim view of the affair, however, but this could not be confirmed since they were closeted with 65 year old Epifiano Belacourt, the janitor who has been around the courthouse so long he's regarded as an institution. As told by Duval County Democratic Chairman Campbell King and Assistant County Clerk Francisco Aleman, here is the story: Neighboring Jim Wells County, whose ballot boxes have been tied up in various legal actions or allegations of fraud, faced next Tuesday's general election with a shortage. Jim Wells County Judge Woodrow Laughlin put out a call:

"Any old ballot boxes to spare?"

"King said he thought Duval County could help; Aleman said sure, it could. Down in the basement were 28 battered old boxes - some of which had not been used in several years - and 11 new shiny aluminum ones.

"Give Jim Wells County the old ones, and bring the new ones to the clerk's office, Janitor Belacourt was instructed.

"Belacourt complied, but having lots of experience in preparing ballot boxes for elections, he emptied them - all 39 of them in the trash container in the vacant lot and set a match to the pile of papers. The 11 new shiny boxes, of course, contained the ballots, poll lists and tally sheets from the August run-off primary."

On December 3, 1948 J.E.H. sent a memorandum to A.M.C. stating

"U. S. Attorney, Houston, does not desire further investigation pending further instructions from the Department, which he is currently requesting."

On January 5, J.E.H. sent another memorandum to A.M.C. in which he asked advice when ^ahis decision had been reached as to any further action to be taken by the Bureau.

On January 7, A.M.C. sent a memorandum to J.E.H. stating

"We have received a letter from the U.S. Attorney in reference to future action in the case, and we are now in communication with him concerning this. We will advise you further when a conclusion has been reached."

On January 20 Odem, U. S. Attorney, Houston, sent a letter to Campbell as follows:

"Replying to your letter of January 6, 1949, with reference to the captioned matter, you are advised that I have carefully reviewed all of the reports and other pertinent data in my possession and have considered and studied all such information in light of Sections 51 and 52 of Title 18, U. S. Code, and I am of the opinion that it would be an insurmountable burden to make a case under these sections in view of the known fact that all of the Duval County ballots, tally sheets and voting records were destroyed by burning by the Courthouse janitor of Duval County. It is also my information that the ballots and records of Precinct 13 of Jim Wells County have also been destroyed and are unavailable; there is very little, if any, direct evidence of fraud. Most of the information is hearsay, or conclusions of witnesses or interested parties.

"Accordingly, in view of the foregoing, it is my recommendation that prosecution be declined in this case."

MEMORANDUM RE LUIS SALIS
PRECINCT 13, ALICE, TEXAS
TEXAS PRIMARY ELECTION
JULY 24, 1948

This case was opened on August 3, 1948 by a memorandum to Assistant Attorney General T. Vincent Quinn from J.E.H. re Luis Salis. It was stated that the Houston Division had received a complaint from H. L. Poole, Alice, Texas, alleging a miscount of the ballots by Luis Salis, an election judge in the Democratic Primary election, July 24, 1948 in Precinct 13, Jim Wells County, Alice, Texas. The memorandum stated that candidates for the United States Congress appeared on the ballots and that Poole had advised that Salis was installed by the "Parr machine", the political group in power at Alice. The memorandum also indicated that

"Poole stated that as he observed the counting of the ballots he was able to see through the ballots from the back as they were held up by the clerks and that the Parr candidate was given votes when in fact the candidate's name had been scratched, and that he can swear that the name of the scratched candidate was called on six ballots, including ballots 1311 and 1313. Poole also stated that another supervisor observed ballot 111, which the supervisor knew to be Poole's and that this ballot was called by Salis opposite to the way the ballot was marked. Poole stated that he would estimate that 8 out of every 9 ballots were miscounted."

The memorandum indicated that a more detailed report would later be filed.

Thereafter, A.M.C. acknowledged the memorandum, noted that a more detailed report would be filed and stated that when received he would advise whether further action by the Bureau was desired.

On August 27, 1948 J. E. Holmgreen, 704 S. Cameron Street, Alice, Texas, wrote a ten page letter to the A.G., stating that

"a flagrant violation of Section 19 of the Criminal Code, also known as Section 51 of Title 18 of the U. S. Code Annotated, had occurred in the primary election on July 24, 1948 in Jim Wells County, Texas, at which election John E. Lyle and Morris Knight were candidates for representatives in the United States Congress, 14th Congressional District of Texas."

He stated in his letter that

(1) He (Holmgreen) and Poole were appointed supervisors of voting Precinct 13 by Knight; (2) Luis Salis and Eco Drago Rojas, H. T. Sain, Sheriff of Jim Wells County, Stokes Micenheimer, Deputy City Marshall of Alice, Homer Dean, County Attorney for Jim Wells County, and E. G. Lloyd, Jr., City Commissioner, Alice, conspired to prevent him and Poole acting as supervisors and to deprive Ramon Rodridquez of being a supervisor and they wilfully prevented a true count of the votes cast for Morris Knight and that the conspiracy was successful. (3) Luis Salis, presiding judge of the voting precinct exhibited their credentials to E. G. Lloyd, Jr., City Commissioner, who stated Rodridquez could not serve as a supervisor, and Salis ordered him out of the building where the election was being conducted. (4) Ballots were marked illegally by reference to slips of paper, Holmgreen complained and Salis ordered him out of the polling place, and called Micenheimer who arrested him. Holmgreen was driven around town for a while, but later permitted to return to the polling place on the condition that he keep quiet. (5) Holmgreen and Poole were not allowed by Salis to see the votes as they were counted and tallied. (6) Many votes were miscounted in favor of John E. Lyle, including votes 666, 667, 1311

and 111. (7) The Grand Jury called by Honorable L. Boeter for July 28, 1948 was packed and nothing was done.

Holmgreen also charged that 1) marked sample ballots and papers bearing candidates names to be placed by the voters were permitted in the polling place; 2) voters were not requested to show poll tax receipts or their exemptions; 3) voters were allowed to help each other mark ballots; 4) the presiding judge attempted to influence voters; 5) voters were permitted to sit close enough to each other to aid and influence each other; 6) pencils and matches bearing candidates' names were allowed to be brought to the polling place; 7) absentee ballots were not opened at the proper time and with the proper procedure; 8) votes were not counted in a proper manner; 9) the presiding judge did not allow the supervisors to see the face of the ballots; 10) the presiding judge did not accompany ballot boxes or appoint anyone to deliver them to the court house; 11) the presiding judge did not act when called upon to prevent violations of the Texas election laws.

This letter was referred to A.M.C. A note appears as follows:

"Follow general policy, requesting a preliminary investigation under the District Attorney's direction."

On August 11, 1948 a memorandum from J.E.H. stated that Poole estimated the ratio of changed ballots to be 8 out of 9 in Precinct 13 and that the primary election ballot included several candidates for the United States House of Representatives and the United States Senate. The balance of the report was a repetition of the charged made in the above letter.

On September 9, A.M.C. transmitted the letter of August 27 to J.E.H. and called for a preliminary investigation. On the same date A.M.C. sent a copy of the memorandum to J.E.H. and copy of letter to Brian S. Odem, / U.S. Attorney, Houston. On the same date A.M.C. acknowledged Holmgreen's letter of August 28 and said that the contents

"are receiving the careful attention of the Department".

On September 10, J.E.H. advised A.M.C. that H. L. Poole had inquired as to status and said he intended to write to the A.G.

On September 28, J.E.H. sent a memorandum to A.M.C. in which he referred to the Johnson-Stevenson run~~x~~off and added

"It appears that the Masters appointed by Federal Judge Davidson will check the Jim Wells County ballots for the August 28, 1948 election. Although the instance case is concerned with the first election, virtually the same situation with respect to the total vote existed in each election in Jim Wells County. For this reason and because of the current

Federal court action the Bureau will hold the investigation requested by your memorandum of September 9, 1948 in abeyance in line with the conversation with Inspector McCabe of this Bureau until you have had an opportunity to give further consideration to the facts."

On October 1 A.M.C. sent a memorandum to J.E.H. stating in part

"When the Masters * * * have completed their investigations please advise us of this and furnish any pertinent information * * *."

On October 8, 1948 J.E.H. sent a memorandum to A.M.C. stating that the United States Supreme Court on October 5, 1948 approved as a body the ruling of Justice Black that candidate Johnson's name be certified for the Texas General Election ballot. He also stated that the Special Masters have reported that they were unable to find "any facts or to arrive at any conclusions of law". Burnett specified that no conclusions were reached because the hearing was ordered closed before the investigation was completed.

On October 6, 1948 H. L. Poole wrote to the A.G. and referred to his request to the F.B.I. to investigate, to the fact that Holmgreen had written to the Attorney General and to the fact that Box 13 had been involved in the Primary run-off on August 28, 1948 for Senator. He stated that

"It is my understanding that it is your duty to uphold the Constitution and enforce the laws of the United States of America, and as a result I am asking you to order the F.B.I. to make a complete and thorough investigation of the Democratic Primary of July 24 and August 28, 1948 in Jim Wells County, Texas."

The A.G. referred the above to A.M.C.

On October 12, J.E.H. sent a memorandum to A.M.C. in which he stated that newspaper reports were to the effect that Judge Davidson could see no further need for hearings on Stevenson's allegations of vote fraud in the three South Texas Counties and also that State Judge Boeter had announced that the next Grand Juries to be called in Jim Wells and Duvall Counties would be instructed to investigate the charges of fraudulent voting. He also stated

"It will be appreciated if you will advise the Bureau when a decision has been reached as to whether the investigation should be reinstated."

On October 8 Holmgreen wrote to the A.G. calling attention to Article 3128 of the Revised Civil Statutes of Texas providing that the ballots are to be destroyed at the expiration of 60 days after the Primary unless an order is entered by the District Court to defer the destruction. He stated he was calling this to the attention of the A.G. so that the evidence would be preserved.

This was referred to A.M.C. *redacted*

On October 20, 1948 James E. Ruffin wrote a memorandum to the files summarizing the previous memorandum and stated

"I am preparing a memorandum to the F.B.I. asking them to reinstate the investigation. I am also preparing an answer to the letter from H. L. Poole to the A.G. dated October 6, 1948, and also an answer to the letter from J.E. Holmgren to the A.G. dated October 8, 1948.

"I am also writing to the U.S. Attorney Brian S. Odem in Houston, Texas, and mailing him copies of the memoranda to the F.B.I. and answers to Mr. Poole and Mr. Holmgreen. I am asking the U.S. Attorney to advise as to his conclusions as soon as possible. I am asking the F.B.I. to mail copies of reports of the investigation to the U.S. Attorney and to us."

On October 19 A.M.C. sent a memorandum to J.E.H. stating

"Please reinstate this preliminary investigation and carry it out along the lines heretofore indicated."

On the same date A.M.C. sent a letter to Holmgreen to the effect that

"The matter is receiving the careful attention of this Department".

He also sent the same letter to Poole. He also wrote to Odem transmitting a copy of his memorandum to the F.B.I. and his letters to Holmgreen and Poole.

On October 23 Poole wrote a letter to the Attorney General stating that he had given additional information

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"I am also writing to the U.S. Attorney Brian S. Odom in Houston, Texas, and mailing him copies of the memoranda to the F.B.I. and answers to Mr. Poole and Mr. Holmgreen. I am asking the U.S. Attorney to advise as to his conclusions as soon as possible. I am asking the F.B.I. to mail copies of reports of the investigation to the U.S. Attorney and to us."

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and his letters to Holmgreen and Poole.

On October 23 Poole wrote a letter to the Attorney

General stating that he had given additional information

to Mr. George Denton, F.B.I. Agent in charge of the Corpus Christie office regarding the July 24 and August 28 primaries. He complained about the fact that

"Your office has not given the green light to the F.B.I. to begin this investigation. Since the longer the time elapsed, the less evidence to be secured * * *."

On November 16 A.M.C. wrote to Poole to the effect that the matter was receiving the Department's attention.

On October 25 J.E.H. sent a memorandum to A.M.C. indicating that

"The Houston Division of this Bureau has been instructed to give this matter expeditious attention."

On November 3 J.E.H. sent a memorandum to A.M.C. indicating that "Holmgreen has stated that all of the election records of the July 24 primary in Jim Wells County are presently in the custody of the Jim Wells County District Clerk, Buehole Richardson."

On October 28 J.E.H. sent a memorandum to A.M.C. referring to press reports to the effect that ballots, tally sheets and poll lists in Jim Wells, Duvall, Zapata and Starr Counties had been impounded by investigators for the United States Senate Committee. He also stated that the irregularities alleged included miscount of ballots and the only way to determine whether a miscount took place or incorrect totals were certified would be

for the ballots to be impounded and counted by a Federal Grand Jury.

On November 10 Ruffin sent a memorandum to George R. Gallagher in which he noted that Gallagher was handling the Texas primary contest and that he therefore would send all matters bearing on the Senatorial contest to him.

On November 12 A.M.C. sent a memorandum to J.E.H. and asked if the Senate Committee had taken the July 24 ballots as well as the 8/28 ballots. He stated that he had no desire to interfere with the Senate Committee's jurisdiction but if they had not taken the July 24 ballots it may be advisable for the U.S. Attorney to take steps to insure their safekeeping. On November 16 J.E.H. sent a memorandum to A.M.C. transmitting a report from Denton at Houston to the effect that the U.S. Attorney stated that he desires to reserve his opinion as to further investigation until he had an opportunity to review the results of the investigation conducted to date. The report also indicated that Holmgreen had stated that he attempted to bring the irregularities to the attention of the State Grand Jury convened at Alice, Texas during August 1948 but that the Grand Jury would not see him. He said that he thereupon filed a sworn affidavit with the Foreman of the Grand Jury

which affidavit restated the facts previously set out in his letter to the A.G. The letter also indicated that Holmgreen said that ~~he~~ had made original notes setting down these observations at the time he observed them and that he is preserving these notes in his possession for whatever future use they may warrant. Holmgreen also said that both Luis Salis and Rojas were ^{calling off} ~~called for~~ the results of the various ballots but that he did not notice any conspiracy to incorrectly call a ballot. However, Salis and Rojas were side by side, two feet apart, and Rojas could easily have read, if he desired, the ballots from which Salis was reading. Holmgreen attributed all of the irregularities which he noted to Salis and said that in so far as he had information the remainder of the election officials at Box 13 conducted an impartial and honest election. The report also indicated that H.L. Poole appeared before the State Grand Jury and also gave a sworn statement about irregularities at Box 13. The charges in this affidavit have been previously set forth. The report also stated that the records of the July 24 primary were kept separate and had no connection with the election records relating to the August 28 run-off. He said that no effort had been made by the Committee

on Elections of the United States Senate to impound or subpoena the primary election records of July 24. It was indicated that Assistant U.S. Attorney W. R. Eckhardt advised that this office was interested in definitely locating the election records of the July 24th primary. He said his office also desires to know what specific items and materials are contained in the election records. He stated he would later decide whether to subpoena the July 24th election records for recount by either agents of the F.B.I. or Federal Grand Jury. Mr. Eckhardt said he would reserve ^{as} his opinion as to prosecution until such time/he has reviewed the results of the investigation conducted to date.

On January 18 Eckhardt sent a letter to the A.G. as follows:

"Reference is made to your letter of October 19, 1948 concerning the above-styled matter and to the report of Special Agent George N. Denton of the Federal Bureau of Investigation dated November 1, 1948.

"It is our opinion that it is not possible to determine whether a violation of the applicable Federal statutes has been committed without a recount being had of the ballots cast at the primary election in question. In this connection it is noted that these records are intact in the custody of the District Clerk of Jim Wells County, Texas.

"Should a recount of the ballots reveal an error in the official count as alleged by Mr. J.E. Holmgreen and Mr. H. L. Poole, this fact in addition to the testimony of the above-named witnesses might be sufficient to secure a conviction as to defendant Luis Salis. It is therefore suggested that the election returns should be subpoenaed before the Grand Jury meeting in Corpus Christi on March 21,

1949, be examined and counted at that time with appropriate aid being given to the Grand Jury by the F.B.I. in connection with the actual count.

"It is noted that the same election box and the same election judge involved in this case is likewise involved in the Senate race controversy growing out of the August 1948 primary.

"It is requested that the Department advise this office what further action should be taken in the case.

Respectfully,

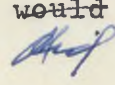
Brian S. Odem
U. S. Attorney

By: Wm. R. Eckhardt
Assistant "

The following notations were attached in handwriting:

- "1) This is a primary file.
- "2) Attached ~~notes~~ ^{are} were for A.M.C. for forthcoming call to Odem."

The "attached notes" were

- "1) No conspiracy under 51, but there are allegations that Salis under Section 52 committed fraud against Congressional candidates.
 - "2) If County Grand Jury fully considered case, including above, may be basis for Department not considering it further. Informal inquiry re County Grand Jury necessary (a) what about County Grand Jury refusing to hear Holmgreen; (b) would Grand Jury make a written report?"
- 

MEMO JEH TO AMC OCTOBER 28. 1948

Reference is made to your memorandum of October 19, 1948 captioned "Alleged Election Irregularities, Senatorial Primary Run-off, Texas, August 28, 1948" and to the Bureau's memorandum of even date under the above caption.

The eight persons whom you requested in your referenced memorandum be interviewed have been contacted and the results of those interviews have been discussed with the U. S. Attorney's Office in accordance with your request.

M. E. Walter, Editor, Houston Chronicle, Lamar Fleming, President, Anderson Clayton Company, J. Leonard Davidson, Geologist, Andrew Jackson Wray, prominent businessman, and Carleton D. Speed, Jr., Geologist, all of Houston, all disclaimed having any factual or personal knowledge which would indicate fraud in the captioned election. Mr. Walter, the Houston Chronicle Editor who has probably followed this case more closely than any of the other complainants, places considerable importance to the reported activities in Box 13, Jim Wells County. He states that 202 ballots were reportedly accepted for count after the closing of the polls at 7:00 p.m. and that his information indicates that these 202 ballots were given to the voting officials in alphabetical order and that notations of their being received were made on the registers in ink of a different color than was used to record the receipt of ballots prior to the closing of the polls. Mr. Walter stated that this matter is, on its face, sufficiently suspicious to justify a thorough investigation. Mr. Lamar Fleming suggested that complete details of the reported irregularities might be obtained from interviews with former Governor Dan Moody and Clint Small, Sr., both of Austin, Texas, who worked with Coke Stevenson, a candidate, in pressing Stevenson's claim that frauds were present in this election. Andrew Jackson Wray similarly suggested that Josh Groce, a prominent San Antonio attorney, might be in position to give pertinent information as he assisted Candidate Stevenson in a like manner.

H.L. Poole and J.E. Holmgreen, both of Alice, Texas, were interviewed as you requested and they advised that they have no information whatsoever on the August 28, 1948 primary election. Both stated that their complaints as made available to the Department related to activities in Precinct 13, Texas Primary Election, Alice, Texas, on July 24, 1948. It is noted that the full details of these individuals' complaints concerning the July 24, 1948 primary election are in your possession in connection with the case entitled "Luis Salis, Precinct 13, Alice, Texas, Texas Primary Election, July 24, 1948, Election Laws".

Mr. Earl Braly, Palestine, Texas, was interviewed by the Dallas Division and he disclaims having any factual or personal knowledge which would

indicate fraud in the captioned election. Mr. Braly stated that his only knowledge concerning the election came from reading newspaper articles, which articles he sent to the Department. U.S. Attorney Steve King, Beaumont, Texas, was telephonically advised of the results of the interview with Mr. Braly and he stated that he desires no further investigation in this connection.

The Houston Division has further advised that current news dispatches in Houston report that the United States Senate Committee on Elections has two investigators in Texas investigating this matter. They are identified as Arthur E. Broer, Chief Investigator, and Joseph Langan. Information in the press which is unverified at this time indicates that ballots have been impounded in Jim Wells, Starr, Zapata, Harris, Dallas, Chambers and Brown Counties. The Houston Chronicle for October 27, 1948 reported that one W. H. Mason of Alice, Texas had stated that when Chief Investigator Broer went to Duval County to impound the ballots he was referred to Mr. Campbell King, Chairman of the Duval County Democratic Executive Committee, and was informed that the ballots had been destroyed "several days ago on about October 25".

Subsequent to reporting the above relative to the ballots in Duval County being destroyed, the Houston Office advised today that the Houston Post for October 28, 1948, in an article by United Press Correspondent Claude Ramsey datelined at San Diego, Texas, reported that an aged janitor, one Epifiano Betacourt, a long time court house worker in Duval County, burned the Duval County ballots and other records of the August 28, 1948 run-off primary election. This story related that the two Senate Committee investigators mentioned above had wanted to impound these ballots but were informed by Duval County Democratic Chairman Campbell King and Assistant County Clerk Francisco Aleman that the burning of these ballots occurred in broad daylight on October 19, 1948. These individuals reportedly advised the Senate investigators that neighboring Jim Wells County, whose ballot boxes had been tied up in legal action alleging fraud, faced the coming general election with a shortage of ballot boxes and asked if Duval County had any old boxes to spare. It was further reported that County Chairman King told Betacourt, the janitor, to go down to the basement and bring up ballot boxes to be lent to Jim Wells County. Betacourt complied, according to the article, but in so doing emptied all thirty-nine of the ballot boxes (presumably those for the August 28, 1948 election) in a trash container on a vacant lot and set a match to the pile of trash.

The Houston Division has further advised today that all Houston papers are giving front page publicity to this case, including comments that the FBI has been sent into south Texas to make a preliminary investigation at the request of Assistant Attorney General Campbell.

In accordance with your instructions, the results of the interviews with the seven individuals in Houston and Alice, Texas, were discussed on October 27, 1948 with Assistant U. S. Attorney William R. Eckhardt, Houston, after U.S. Attorney B. S. Odem referred the Houston Office to Mr. Eckhardt. Mr. Eckhardt requested that the Bureau discreetly determine the exact location and availability of all ballots for the July 24, 1948 primary election in Jim Wells County and for

the August 28, 1948 run-off primary in Jim Wells and Duval Counties. He suggested that in view of the action already taken, this information will be available from the Senate Sub-committee in Washington. Assistant United States Attorney Eckhardt, on the basis of observations made by the individuals interviewed by the Bureau, further requested that this Bureau obtain copies of the court proceedings held before Federal Judge T. Whitfield Davidson, Dallas, Texas, as soon as possible. He further requested that Messrs. Moody, Small and Groce be interviewed for any definite and tangible evidence which they may have indicating fraudulent irregularities.

Mr. Eckhardt observed that no publicity which can be avoided should be given to this investigation. He expressed his feeling that the instituting of active investigation prior to the November 2, 1948 general election might result in unfavorable publicity for the FBI and the Department as to the general manner of handling the investigation, particularly since the investigation concerns an election which took place two months ago. The Assistant United States Attorney further stated that in view of the importance of this investigation he feels that the Department instructions should clearly outline the manner and extent of the investigation desired. It is understood that the U.S. Attorney's Office telephonically consulted you with regard to the above.

U.S. Attorney Brian S. Odem, Houston, advised the Houston Office on the evening of October 27, 1948 that he had telephonically discussed this case with you and that he would receive more explicit instructions from your office relative to the Department's desires as to the scope and extent of this investigation.

U.S. Attorney Odem advised the Houston Division today that he has been instructed by you to request the Houston Office to handle the investigative leads arising from the interviews completed with the witnesses mentioned in your referenced memorandum and that the results of these additional interviews should be furnished to the U.S. Attorney and to the Department, and that no further action should be taken until further instructions are received from the Department based on the results of these additional interviews. Mr. Odem further stated that he has been informed by you that no action is desired with regard to impounding of ballots in the Southern District of Texas in view of the action already taken by the Senate Investigating Committee.

With reference to your instructions received at Houston through U.S. Attorney Odem concerning the additional investigation, the Bureau understands this to cover the investigation requested by Assistant U.S. Attorney Eckhardt on October 27, 1948, when the results of the first interviews were discussed with him. Accordingly, the Bureau is immediately making arrangements for the interview of former Governor Dan Moody, Clint Small, Sr., both of Austin, Texas, and Josh Groce, San Antonio, Texas. The Bureau will also attempt to obtain copies of the court proceedings previously held before Federal Judge T. Whitfield Davidson, Dallas, Texas.

It will be noted that Mr. Eckhardt also requested that the Bureau discreetly determine the exact location and availability of ballots in Jim Wells and Duval Counties. The Bureau notes your advice to Mr. Odem that you do not

desire anything done along the line of impounding the ballots at this time. It is further felt that you will in all probability be in conference with representatives of the Senate Investigating Committee for the purpose of correlating these investigations and, accordingly, it is believed that you may wish to obtain this information concerning the ballots from the Senate Committee. Because of this the Bureau will not take any action concerning Assistant U.S. Attorney Eckhardt's request to determine the location and availability of these particular ballots unless you advise that such action by the Bureau is desired.

Accordingly, as soon as the results of the additional interviews to be conducted are available, reports will be submitted in this matter and no further action will be taken by the Bureau until further advice is received from you. The Bureau will, of course, continue to furnish you with such information as comes to our attention.

Department of Justice
Office of the Assistant to the Attorney General
Washington

October 3, 1949

Honorable Lyndon B. Johnson
United States Senate
Washington, D. C.

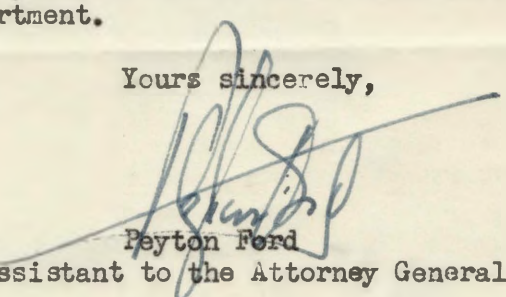
My dear Senator Johnson:

This is with reference to your recent telephonic inquiry as to whether the Department has completed consideration of the material obtained in its investigation of the primary run-off election held August 28, 1948, for the Democratic Senatorial nomination in the State of Texas. The investigation was made for the purpose of determining whether in connection therewith the civil rights of any person were violated. You also inquired whether the investigation developed any evidence indicating that any such rights were violated.

All of the complaints received in connection with this matter have been investigated and all information obtained carefully considered. Although I am not at liberty to inform you as to the nature of the material obtained by this Department, I can assure you that when any violations of civil rights are ascertained, prompt and vigorous prosecution follows. Insofar as the instant matter is concerned, no such prosecutions have been justified.

I can advise you, however, that the Department has no evidence which would tend to indicate that you had any knowledge of, or were in any way connected with, any of the matters which were the subject of the complaints to the Department.

Yours sincerely,



Peyton Ford

The Assistant to the Attorney General

COPY

DEPARTMENT OF JUSTICE
Office of the Assistant to the Attorney General
Washington

October 3, 1949

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United States Senate
Washington, D. C.

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/s/ Peyton Ford

Peyton Ford
The Assistant to the Attorney General

October 3, 1949

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United States Senate
Washington, D. C.

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Yours sincerely,

PEYTON FORD

Peyton Ford
The Assistant to the Attorney General

OCT 5 AM

COPY

Hon. Sam G. Reams
District Attorney 79th Judicial District
Palfurrias, Texas

My dear Mr. District Attorney:

The Department of Justice has been conducting an investigation of the recent Texas State Primary Election for United States Senate for the purpose of determining whether in connection therewith any Federal laws were violated.

We are aware of the fact that following the Primary Election Judge Broster of the 79th Judicial District ordered a Grand Jury investigation in Jim Wells and Duval Counties of Texas.

Inasmuch as we desire to exhaust all available sources of information, I would appreciate it very much if you would inform me as to the following matters with respect to such investigation:

1. The nature and extent of the investigation made.
2. The number of witnesses called, the matters as to which they testified, and if possible a statement of your opinion as to the weight to be accorded their testimony.
3. The findings and action of the Grand Jury.
4. Any other matters in this same connection you regard as pertinent.

We desire to complete our investigation as soon as possible and will be grateful if you will furnish this information within the near future.

Sincerely

COPY

Hon. Sam G. Reams
District Attorney 79th Judicial District
Palfurrias, Texas

My dear Mr. District Attorney:

The Department of Justice has been conducting an investigation of the recent Texas State Primary Election for United States Senate for the purpose of determining whether in connection therewith any Federal laws were violated.

We are aware of the fact that following the Primary Election Judge Broster of the 79th Judicial District ordered a Grand Jury investigation in Jim Wells and Duval Counties of Texas.

Inasmuch as we desire to exhaust all available sources of information, I would appreciate it very much if you would inform me as to the following matters with respect to such investigation:

1. The nature and extent of the investigation made.
2. The number of witnesses called, the matters as to which they testified, and if possible a statement of your opinion as to the weight to be accorded their testimony.
3. The findings and action of the Grand Jury.
4. Any other matters in this same connection you regard as pertinent.

We desire to complete our investigation as soon as possible and will be grateful if you will furnish this information within the near future.

Sincerely