

COKE STEVENSON LOSES IN FINAL COURT ROUND

Supreme Court Turns
Down Appeal
On Election

NO HEARING

Lyndon Johnson Wins
Last Obstacle
As Senator

WASHINGTON, Jan. 31. — (UPI) The United States Supreme Court has snuffed out the last legal claim by ex-governor Coke Stevenson to the U. S. Senate seat now held by Lyndon Johnson.

The high tribunal today refused to hear Stevenson's appeal from a lower court order. That order dismissed Stevenson's complaint against the legality of Johnson's election.

The ruling ends Stevenson's long and futile battle through the Federal courts.

Stevenson had asked the courts to invalidate the certification of Johnson as the Democratic nominee for Senator from Texas. Stevenson first brought suit in Federal District Court in Fort Worth last September. He asked that his name be substituted for Johnson's as the Democratic senatorial candidate.

Johnson defeated Stevenson in a runoff primary by the slim margin of 87 votes. He easily won the general election in November.

Stevenson claimed that the primary returns from three south Texas counties were fraudulent. He said the action of election officials in certifying the returns deprived him of his civil rights.

The Fort Worth court granted an injunction restraining officials from placing Johnson's name on the general election ballot. However, Supreme Court Justice Hugo L. Black ordered the injunction vacated, saying that Federal courts have no right to referee state election contests.

Nevertheless, Stevenson continued to press his case. But he evidently lost his last chance in the courts by today's supreme tribunal ruling.

Dallas (Tex.) News

SEP 5 1960

Johnson Says Battle Is Won

Congressman Holds Lead Of 162 Votes Over Coke

BY DAWSON DUNCAN

Lyndon B. Johnson ran up a 162-vote lead over Coke Stevenson in the United States Senate race Saturday and immediately proclaimed his victory.

His lead was in the unofficial tabulation of the Texas Election Bureau. It reported an unofficial count at 9 p.m. of: Johnson 494,158 and Stevenson 493,996.

Although Johnson apparently had won the tussle for the lead in the unofficial vote counting, neither candidate could be certain of the outcome. Officially, the winner will not be decided until the State Democratic convention acts in Fort Worth Sept. 14.

TO RUN TOTALS

Returns canvassed by county committees will be totalled by the state executive committee Sept. 13 and reported to the convention. It must certify the nominee to the Secretary of State in order for the candidate's name to be placed on the general election ballot.

The tabulation issued by the election bureau may be its last. It was based on official returns reported from 163 counties. Unofficial reports in numerous others were considered to be the same as the official returns.

Robert Johnson, bureau manager, said the 9 p.m. total would be the final one "unless an abrupt change occurs" which would reverse the lead. The bureau will continue to receive reports of the official returns.

"I can assure my fellow Texans," Lyndon Johnson said in his victory statement issued at Austin, "that I have won by a comfortable majority as I have always contended I would

dwindled to 17 votes Friday night, but mounted Saturday with margins of 58 votes at noon, 181 votes at 7 p.m. and 162 votes on the last total.

Stevenson and Johnson shared about equally in changes resulting from official reports during the day from about forty counties. But Johnson got the break in counties which had large and material changes.

Among the counties from which official returns had not been received was Duval County. Its unofficial reports gave Johnson 4,622 to Stevenson's 40.

J. C. King, county chairman there, said the official returns had been mailed but he did not recall the exact figures. He added there was "a slight change favoring Johnson."

Johnson did not mention The Dallas News in his statement suggesting the FBI as a proper investigating agency, but it was apparent he referred to it. The News on Saturday editorially called for a State Senate committee inquiry.

No response had come from Sen. A. M. Aikin Jr., of Paris, chairman of the investigating committee.

HAS HAD NO REQUEST

However, Aikin, who could not be reached by telephone, told a Paris newspaper reporter:

"So far as I know, we have had no request for an investigation of the election, either from Lyndon Johnson or Coke Stevenson. If we receive such a request, it will be given due consideration."

Johnson's statement:

"While a large metropolitan newspaper and their candidate were

from their own columns, in today's paper, it appears that they have corrected me out of 2,000 votes in Dallas County, in a 2-time certification to the state chairman before the votes were even canvassed.

"I am trying to stop the same thing from happening in other counties. By their slanted headlines and their front page editorials, that newspaper 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 trying to do to Johnson.

"It's a peculiar thing that my opponent and his newspaper sponsor thus far have made no mention of some counties that did a complete about-face but when he trails by seventeen votes, they cry for an investigation to be conducted by a committee the majority of whom are his old cronies and his financial, voting and speaking supporters. That's like a mother being

THIS DAY IN TEXAS

On this day in 1875 delegates chosen to draft the new State Constitution met in the capital city of Austin.

The instrument which they finally promulgated was ratified on the third Tuesday in February of 1876 by a popular vote, and is still in force.

The constitutional history of Texas is as varied as the story of the many flags which flew over it. The Constitutions of the Republic and of the pre-Civil War state were abandoned, of course, as Texas entered the Union, then seceded to join the Confederacy. Following the Civil War, delegates were named to what is known as the "carpetbag convention," and framed that short-lived document. Legend has it that the Secretary of State wrote most

do since the trend set in Saturday night.

"I expect to make a report to my fellow citizens over a state-wide radio network Monday night and I hope all of them will tune in.

"Just now I want to say that I am grateful to all my supporters everywhere."

COKE SILENT

Stevenson headquarters had no statement. On Friday he had charged he was being counted out of the race by dominated votes.

Johnson's statement claiming victory came shortly after one in which he heatedly took issue with a suggestion that the State Senate general investigating committee inquire into voting practices in the election.

He countered with a suggestion that the Federal Bureau of Investigation would be the proper agency if an investigation were made, because a federal office was involved.

In his victory statement Johnson again recalled he lost to retiring Sen. W. Lee O'Daniel in 1941 by 1,311 votes on late returns. The same election elevated Stevenson from Lieutenant Governor to Governor.

He insisted a trend in his favor set in at 10 p.m. Saturday after the big city vote was in. A series of "corrections and alterations," he said, cut down the trend for several days, but "I did not complain or cry."

"Remembering 1941," he continued, "and knowing that official returns were the only ones counted, I have taken particular pains to have my loyal supporters contact the election officials and report the official returns in every county."

SWITCHED TWICE

In the week of vote counting since the balloting last Saturday, the lead has switched twice. Stevenson led until 8 p.m. last Sunday and recaptured it at noon Monday.

Johnson lagged behind again until noon Friday when a block of 200 votes from Jim Wells County surged him into a 44-vote lead. It

leading 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 screaming.

"I would like for them to explain how they corrected me out of 400 votes in one county, 225 votes in another, more than 200 in Harris County, and to top it all,

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, as I have maintained throughout the counting of the votes, I will have a comfortable majority."

Vann M. Kennedy, secretary of the Democratic State Executive Committee, said official returns were received Saturday from fourteen counties, bringing the total to 158.

Those counties were Brewster,

of this Constitution after many of the delegates had returned home, and that it was approved in a session in which there was not a quorum of the delegates present.

Thus the present document is the fifth Constitution of Texas.

CURTIS BISHOP.

Cameron, DeWitt, El Paso, Falls, Goliad, Lee, Lynn, Palo Pinto, Rusk, Sabine, Shelby and Angelina.

Saturday was the final day for county executive committees to certify the results. Kennedy expected to receive a large number Monday.

Only one contest had been reported.

Fred Korth, Tarrant County campaign manager for Johnson, said he would contest returns from the Everman precinct. Returns from the precinct were received by the county chairman Friday. Stevenson received 112 votes and Johnson 88.

Significant changes in returns Saturday included:

Bell County, Johnson gained 8 and Stevenson lost 65.

Chambers, Johnson lost 96 and Stevenson gained 4.

Tarrant, Johnson lost 18 and Stevenson lost 29.

Taylor, Johnson lost 10.

Freestone, Johnson picked up 52 and Stevenson lost 2.

Throckmorton, Johnson lost 6 and Stevenson added 5.

Jefferson, Johnson lost 10 and Stevenson lost 25.

Harris, Johnson added 14 and Stevenson gained 4.

Hunt, Johnson lost 15 and Stevenson dropped 4.

Lamar, Johnson dropped 6 and Stevenson lost 15.

Dickens, Johnson lost 10 and Stevenson added 11.

McCulloch, Johnson picked up 10 and Stevenson lost 10.

Lubbock, Johnson added 50.

Moore and Nacogdoches, Stevenson lost 5 in each.

Starr, Johnson picked up 50 and Stevenson lost 1.

The last two counties included in the final total, Brazoria and Galveston, cost Johnson 19 votes. Stevenson added 9 in Brazoria while the official return from Galveston cut Johnson's vote down 10.

Dallas County's returns were canvassed and certified without protest from Johnson leaders here. Stevenson got 26,150 and Johnson 17,576.

The official certificate erased a typographical error in a report sent earlier in the week from County Chairman Arthur Stevenson's office. In the erroneous report, Johnson had been credited with 19,576 instead of 17,576 votes.

In Hidalgo County, J. Overby Smith of McAllen said he would report to Stevenson what appeared to be an election procedure irregularity. Envelopes containing runoff tally sheets were not sealed when presented to the executive committee for canvassing, he said.

Gov. Stevenson and Party Loyalty

In an editorial one day last week we made the statement that Lyndon Johnson won the Democratic nomination for United States Senator and the legal right to have his name on the November election ballot just as his opponent, former Governor Coke Stevenson, had on several previous occasions.

Our esteemed contemporary, *The Dallas Morning News*, has challenged that statement with the assertion that "Mr. Johnson did exactly no such thing."

Well, let's see. Mr. Stevenson made his first statewide race in 1938 when he was a candidate for the Democratic nomination for the lieutenant governorship. In 1940 he was a candidate for the Democratic nomination for re-election to that office. In 1942 and again in 1944 he was a candidate for the Democratic nomination for governor.

In each of these instances primary elections were held, after which the judges of each voting precinct in the state made a report on the number of ballots cast for each candidate, as required by law. Then the county executive committees met in each county, canvassed the returns and certified the results to the State Democratic Executive Committee.

In due time the state committee met, canvassed the returns from the several counties and certified the results to the State Democratic Convention.

On the basis of these certificates the state conventions declared the candidate who had received a majority of the votes the party's official nominee for the office sought, and so notified the Secretary of State. This official notice was the secretary of state's authority for placing the nominee's name on the ballot to be used in the general election.

The routine followed in certifying the results of the primaries and in officially declaring the nominee is the routine prescribed by state law. It is precisely the routine used after the recent primary in which Lyndon Johnson and Mr. Stevenson were candidates for the United States Senate.

In the 1938, 1940, 1942 and 1944 races in which Mr. Stevenson was engaged the vote canvassing and certifying routine showed that he had received a majority of all the votes cast, and the State Democratic Convention accordingly formally declared Mr. Stevenson its nominee for the offices he sought.

In the senatorial race this year the vote canvassing and certifying showed that Lyndon Johnson had received a majority of all the votes cast. It was a slim majority, it is true, only 87 votes. But it is immaterial whether it was 87, 870 or 8,700. Having determined that Mr. Johnson had received a majority, the State Democratic Convention formally declared him its nominee for United States senator.

So, we reiterate our statement that Mr. Johnson won the nomination and the legal right to have his name on the November ballot just as Mr. Stevenson had done on several previous occasions.

Mr. Johnson was put to some inconvenience and expense by the fact that Mr. Stevenson proved to be a hard loser. It was the first time, so far as we know, that Mr. Stevenson had ever lost out in a political race, and he just couldn't take it.

He and his supporters tried to get the State Democratic Executive Committee to change the rules of the game after the game was over, but committee followed the established rules—and the law—and its course was overwhelmingly ratified by the State Democratic Convention the next day.

Mr. Stevenson and his supporters claimed there was some irregularity in the voting in certain counties which gave Mr. Johnson heavy majorities—counties in which Mr. Stevenson had been given

equally heavy majorities in each of his previous statewide races. A point about this that should be remembered is that, although the primary was held more than two months ago, not a vestige of proof has been offered to substantiate the claim of irregularity.

Another point that should be remembered is that Mr. Johnson has never opposed, by word or deed, a full and complete investigation of the August primary, made by any competent, impartial and authorized agency. He has insisted, and rightly so, that any investigation should include counties which gave Mr. Stevenson whopping big majorities as well as those which favored him.

That is only fair, and that presumably is what will be done by the United States Senate in the likely event that Mr. Johnson is elected and if his election is then contested, as it has been reported it may be. The Senate is the sole judge of the qualifications of its members, and it has

shown a high regard in the past for the sanctity of the ballot box. Partisanship usually plays little part in its decisions in such cases. It certainly has the power, and there is no question of its competence, to conduct a full and complete investigation of any charge of irregularity in either the primary or the general election.

Mr. Johnson, who is thoroughly familiar with congressional procedures, of course knows this full well. And it is significant that he is not in the least dismayed by the prospect.

As we have said before, Lyndon Johnson is the Democratic Party's nominee for United States senator and, if past experience is any guide, he will be elected in November.

There are some, quite naturally, who do not like the fact that Mr. Johnson is the Democratic nominee. Both Mr. Stevenson and *The Dallas News* are in this category. Both exerted themselves rather strenuously during the primary to prevent his nomination, but he won it despite their opposition.

Now both are doing what they can to prevent his election. They are supporting his Republican opponent. It is not the first time that *The News*, as it has a perfect right to do, has supported a Republican, but it is the first time, according to his own statement, that Mr. Stevenson has deserted the party that was so good to him for so long.

At the State Democratic Convention in Dallas in September 1944, Mr. Stevenson, then governor and facing a Republican opponent for re-election the following November, declared before the assembled Democrats that:

"I have always been a Democrat. My record of party regularity is unbroken from the very first ballot I cast down to the last one. I am ready to predict the complete victory of the Democratic ticket from top to bottom. I hope that all of us can go down the line in a spirit of cooperation."

Party regularity—the moral obligation of the pledge to support the party's nominee which is assumed by all who participate in party primaries—was a matter of pride and importance to Mr. Stevenson when it was operating to his advantage. The moral force of the pledge is not lessened in the least by the fact that Mr. Stevenson's conscience permits him to ignore it, now that it no longer can help him politically.

1949 Senate Setup Key to Texas Battle

By WALTER C. HORNADAY

Washington Bureau of The News

WASHINGTON, Sept. 11.—Seating of a new United States Senator from Texas, in event the Stevenson-Johnson contest is carried to Washington, may well depend on whether the Democrats or Republicans control the upper house in 1949.

The custom in recent years has been to allow the winner to serve pending an investigation and decision on a contest.

The GOP has a 51-to-45 advantage over the Democrats in the present Senate. A bitter fight is now on for Senate control in the next Congress. If the Democrats gain four seats now held by Republicans and hold what they have, they will control the Senate, 47 to 45.

A gain of three votes would result in a 48-to-48 tie.

ALL THEY CAN GET

Both parties will want every Senate seat they can possibly get if the party division is close.

The Democrats will want the new Texas Senator seated, regardless of whether he is Stevenson or Johnson. Likewise, it will be to the Republican interest—to hold down the Democratic strength.

The junior Senator from Texas, therefore, may be told to step aside and await the outcome of a contest if the Republicans retain their Senate control.

The last election contest passed on by the Senate was between Herbert R. O'Connor (Dem.) of Maryland and E. John Markey (Rep.).

O'Connor had won by 2,232 votes and was seated while a Senate committee checked the vote. After eighteen months, the Republican-controlled committee reported O'Connor had won by 1,624 votes and the GOP-controlled Senate accepted the committee report to seat the Democrat.

A recount is made in a Senate contest only in states where there is no provision for this rechecking, according to Nelson Derenian, general counsel of the Senate subcommittee on election investigations. Maryland has no state law on recounts, so the Senate committee performed this task.

WEST VIRGINIA TILT

A contest is still before the Senate involving Sen. Harley Kilgore (Dem.) of West Virginia, and his Republican opponent, Tom Sweeney. West Virginia provides for its own recount, so the committee is standing aside while the state rechecks.

In event the Stevenson-Johnson contest reaches the Senate, a recount undoubtedly would be made by the Senate committee. Ordinarily, not every county is rechecked, but in an election in which only a few votes separate the winner and loser, the committee might enter every county.

If the winner in the Texas election is seated by the Senate, he might serve two years or longer before the contest is decided by the Senate.

Senate Race Court Action Against Convention Seen

By ALLEN DUCKWORTH

Staff Correspondent of The News

FORT WORTH, Texas, Sept. 12.—Lyndon Johnson and Coke Stevenson arrived here Sunday to continue their battle for senatorial nomination.

The atmosphere was explosive as Texas Democratic party leaders prepared for a showdown on the close election contest.

Johnson and Stevenson already are tangled in a court fight in Jim Wells County.

Party leaders admitted they wouldn't be surprised to see court action extended to the Democratic convention itself.

FIRST STEP

First step toward making an official count of votes in the Aug. 28 primary, to see who won the United States Senate race, will come at 10 a.m. Monday before the Democratic State Executive Committee.

At the same hour, a district court at Alice, in South Texas, will be hearing Stevenson and Johnson lawyers argue the matter of disputed ballots in Jim Wells County.

Stevenson has attempted to prevent the counting of 203 votes in Precinct 13 of Jim Wells. He claims that these votes, giving 202 more to Johnson and 1 to him, were added illegally after the original counting of ballots.

Johnson is attempting by court order to block a change in the original canvass of the county's vote.

In Stevenson's answer to Johnson's attempt to get an injunction against recertifying of Jim Wells vote, Stevenson asks that all records be made available for re-examination.

The question in Fort Worth Sunday was this: Even if Stevenson should win his demand for a recount in Jim Wells, and even if the recount turned out in his favor, could a revision be sent to Fort Worth in time to turn the tide for Stevenson? On the basis of unofficial returns, Johnson now leads Stevenson by about 162 votes.

PLANS SECRET

Stevenson said he could not reveal all of his plans, pending a conference with his attorneys. He would not say whether an appeal would be made to the courts for a delay in vote canvassing Monday.

Convention arrangers, who had planned on a 1-day session Tuesday, said they would not be surprised to see court action brought against the convention itself.

If either side seeks to delay the official proclamation of a United States Senate nominee, which would come normally at Tuesday's state convention, then the session might be stretched out for several

days. The last time a state convention lasted more than a day was in 1944, when the Roosevelt fight caused a 2-day session.

Johnson arrived in Fort Worth shortly before noon Sunday, and went into conference with Fred Korth, his Tarrant County campaign manager, and other advisers.

"I believe we have received a majority of the votes cast on Aug. 28," Johnson said in a formal statement. "I believe the executive committee in its meeting Monday morning will confirm that."

"I have complete faith and confidence in every member of the committee and every delegate to the convention."

Johnson insists that the committee's legal duty is to add up each county's vote as certified by its county chairman. Stevenson believes the committee should go behind the certification, such as that of Jim Wells, if there is "evidence that the vote is tainted by fraud."

Stevenson appeared cheerful when he received two dozen newspaper correspondents on the seventeenth floor of the Blackstone Hotel.

"We will ask the full committee for a hearing," Stevenson announced in outlining plans for carrying the contest before the Democratic executive body.

"I will appear before them personally if they will give me an opportunity."

OTHER EVIDENCE

Stevenson said he might present evidence from three other counties, in addition to Jim Wells, in his contention that there were election irregularities.

He was asked directly what he would do if the canvassing subcommittee on Monday added up county totals and showed Stevenson on the short end.

"If that occurs," he said, "we will appear before the executive committee with ample proof that

returns from Jim Wells County are incorrect."

"I am willing to have every legal vote in Jim Wells County counted," Stevenson added.

Stevenson would not be pinned down on an answer about what he

would do if he lost in the executive committee. Would he carry the fight to the floor of Tuesday's convention?

"Let's don't assume the committee will decide against me," he replied.

Clint Small, a former State Senator, and F. L. Kuykendall, both Austin attorneys, are due to help Stevenson present his case to the committee.

Several convention functions, including a rally of loyal Democrats Monday night, could bring Stevenson and Johnson together. Stevenson was asked if he had accepted any of the invitations.

"I haven't received any invitations," he laughed, "not even one to this convention."

Jerome Sneed, Austin member of the State Democratic Executive Committee who will represent Johnson on the canvassing subcommittee Monday, said here that he did not believe the party machinery should be used to try cases of suspected election irregularities.

"Feeling is tense," Sneed said, "everyone in this convention has his mind made up. We should not try to convict anyone of fraud in this convention. There are 254 county courthouses and 254 grand juries to handle local election complaints. We are not of the proper temperament here to do it."

"If grand juries find election fraud, the way of the transgressor should be made hard," Sneed said. His only object was to see an honest count of votes.

"After that is done, regardless of who wins, I will fight anyone who tries to take it away from him."

After issuing his formal written statement, Johnson held a press conference in a suite four floors above Stevenson's hotel rooms.

Confident and cheerful, Johnson predicted that he would be declared the winner of the primary when votes are canvassed Monday.

"I will be declared the nominee," he predicted.

Johnson said he would be represented at the executive committee meetings, but didn't know whether he would appear in person, as Stevenson has said he would do.

The Austin congressman revealed that his legal staff had been crippled by a traffic accident in South Texas that injured Everett Looney, prominent capital attorney.

In outlining his idea of what should happen at the executive committee meeting, Johnson said, "the law is very clear." He believes that the sole duty of the committee is to count votes.

Was there any preparation "to fight it out" at the committee session?

"I think the canvass will speak for itself," Johnson said.

"If I get the most votes, I want to be declared the nominee, if he (Stevenson) has one more vote than I have he should be certified."

Johnson called Stevenson's action in Jim Wells County "an attempt to certify a new vote by a minority of the county executive committee."

From
Ft. Worth (Tex) Star-Telegram
(Evening Edition)

Date SEP 15 1940

U. S. JUDGE BLOCKS OK ON JOHNSON

Federal District Judge T. Whitfield Davidson has granted temporary restraining order to prevent the certification of Lyndon Johnson as the Democratic Party's candidate for the U. S. Senate, and the secretary of state has been notified by wire. Clint C. Small, attorney for Stevenson, said here Wednesday.

Small said the order is to prevent the certification, and to prevent Secretary of State Brown from placing Johnson's name on the ballot.

He said the order was issued

either in Longview or Jefferson at 6:20 a. m. to Wednesday.

Former Gov. Coke Stevenson was in conference Wednesday morning in his suite at the Blackstone Hotel, and an aide promised he would issue a statement later in the day on whether or not he plans to continue his fight for the senatorial nomination.

Lyndon Johnson, who was overwhelmingly chosen by the Democratic State Convention Tuesday night as the Democratic candidate for United States senator, was up early to see friends who had supported him through his hard battle for confirmation as the party's choice.

Stevenson was expected to give his decision at a press conference later Wednesday morning.

Rumors Fly.

Rumors were flying at the hotel that Stevenson was planning to seek a federal court injunction to prevent the State Democratic Executive Committee from certifying Johnson's name to the secretary of state as the party's candidate. Earnest Boyett, Stevenson's aide, said he knew nothing of such a move.

The former governor's friends had battled the confirmation of Johnson through several committees of the party, losing at every turn.

The final ratification by the party came in a thunderous "aye" on the question of approving a committee report which found Johnson was the nominee.

The negative vote was weak and half-hearted, as though the friends of Stevenson realized the battle was lost.

The report was submitted by District Judge Penn Jackson of Cleburne, chairman of the committee.

Johnson Grateful.

Johnson said his heart was "so filled with gratitude there is no room for bitterness." He apparently referred to the hard campaign, and the tense waiting since the election Aug. 28 for a final determination of the count.

There was only a difference of 87 votes between the two in the report submitted to the State Executive Committee by State Secretary Vann Kennedy.

Johnson told the convention, "As your candidate, I shall support Truman and Barkley."

The convention's committee accepted by a vote of 28-4 the executive committee's report adjudging Johnson the victor. The convention, in adopting the report unanimously, ignored a minority report from the executive committee which charged that "palpable fraud and irregularities undoubtedly" gave Johnson the victory.

Date OCT 5 1948

Vote Fraud Investigation Is Fruitless

Halting Probe Prevents Special Masters From Reaching Any Conclusion

Halting of the recent investigation of vote frauds in three South Texas counties prevented the reaching of any conclusions, according to special masters' reports filed Monday in U. S. District Court here.

The reports were filed by J. M. Burnett, special master to investigate the Aug. 28 Democratic primary in Duval and Zapata Counties, and W. R. Smith Jr., special master, to investigate Jim Wells County voting.

Both masters reported they were unable "to find any facts or arrive at any conclusions of law." Burnett specified he was unable to reach any conclusions "due to the fact that said hearing was ordered closed before the same was completed." Smith indicated the same reason in his report, which included a copy of the order closing the investigation. The order was issued by U. S. District Judge Davidson after Supreme Court Justice Black allowed a stay of Davidson's injunction to keep Rep. Lyndon Johnson's name from the official November ballot.

Injunction Issued

Judge Davidson issued his temporary injunction barring Johnson's name pending settlement of a suit filed by Johnson's opponent for the Democratic nomination for U. S. Senator, former Gov. Coke Stevenson.

Burnett's report showed testimony was presented in his hearing from 10 a. m., Sept. 28, until about 3 p. m., Sept. 29, when the hearing was closed and all ballot boxes and election records that had been impounded were ordered released. Smith's hearing started Sept. 27 and continued until 2:15 p. m., Sept. 29.

In the Jim Wells County hearing, Mrs. Juanita Hulsey, chief deputy county clerk, testified she had been told that Box 13 "was kept out almost a week." She also testified that she "hid" Box 13 behind some cardboard used for mailing maps in the same vault where other election returns were kept.

The hearing also revealed that the box containing votes of Box 13 was unlocked, with a key attached, and unsealed when presented before Master Smith. Everett Looney, one of Johnson's attorneys, demonstrated at the hearing that of the 20 ballot boxes brought in for the county's 13 precincts, only Box 13 was unlocked.

Returns Missing

In the hearing before Burnett, Zapata County Judge M. B. Bravo testified that returns of Precinct 3 were missing from his filing cabinet.

Judge Bravo said he looked for the returns to "check them" after he read in a newspaper "that some of our Republican residents were up in Fort Worth testifying."

OCT 6 1948

High Court Backs Up Decision for Johnson

By WALTER C. HORNADAY

Washington Bureau of The News

WASHINGTON, Oct. 5.—The United States Supreme Court Tuesday approved Associate Justice Hugo L. Black's action putting Lyndon B. Johnson on the Texas ballot as the Democratic nominee for United States Senator.

The decision appeared a knock-out blow for former Gov. Coke R. Stevenson in his legal fight to keep Johnson off the ticket.

Johnson's attorneys here hailed the Supreme Court action as a complete and final victory.

The high court refused to expand the Black order by throwing out

completely the case pending in Federal Judge T. Whitfield Davidson's court.

While this was a technical loss for Johnson, his lawyers said it meant nothing, since the Supreme Court affirmed the Black order protecting Johnson as the nominee.

NEGATIVE ACTION

"For all practical purposes, the show is over," said Abe Fortas, one of Johnson's Washington attorneys. "The Supreme Court decision is wonderful from our viewpoint. We couldn't want anything better."

Stevenson doesn't stand a chance to get the Supreme Court to consider an appeal in time to remove Johnson from the ticket even if he should win in the Fifth Circuit Court of Appeals, Johnson's attorneys declared.

The Supreme Court order affirming Justice Black's ruling was a negative action, but it apparently was as effective as if it had been a direct order saying Johnson is the Democratic nominee for Senator.

It denied the Stevenson motion to vacate the Black order and to dismiss the entire proceedings.

Stevenson is left free to carry his case to the Supreme Court again on an appeal from the Fifth Circuit Court, if he loses there, but he seems to have been caught by the time element.

His only practical course of action appeared now to take a contest to the United States Senate.

HIGHLY UNUSUAL

The Supreme Court decision was announced little more than twenty-four hours after the Stevenson motion to vacate the Black order was filed Monday. Court attaches said such quick action was highly unusual.

The case on appeal in the Fifth Circuit Court still stands, Johnson and Stevenson attorneys agreed. This is a plea to have the circuit court declare Judge Davidson had no authority to issue his injunction that kept Johnson's name off the ballot for a time.

Even if Stevenson wins in the circuit court, Johnson will be protected on his right to a place on the ballot by Justice Black's order. Johnson would appeal if he loses in the circuit court, and so would Stevenson if he loses.

The short time remaining before the general election would make an appeal ineffective, however. The Black order that keeps Johnson's name on the ballot would be in effect while the Supreme Court considered an appeal.

The order refusing to set aside Justice Black's order, and the one to expand the Black decision, were both approved by eight of the nine members of the Supreme Court. Justice Frank Murphy is ill and did not participate in considering or deciding the order, stated.

Status Unchanged

Austin Bureau of The News
AUSTIN, Texas, Oct. 5.—The

DAVIDSON TO HEAR RIVALS' ATTORNEYS

ABILENE, Texas, Oct. 5 (AP).

Judge T. Whitfield Davidson told the Reporter-News Tuesday night that he would hear attorneys for both Lyndon Johnson and Coke Stevenson before deciding whether to order continued his investigation of alleged ballot irregularities in the United States Senate election.

He said he expected to reach a decision Wednesday.

United States Supreme Court's action in upholding Justice Hugo L. Black's order staying the injunction of Texas Federal Judge T. Whitfield Davidson did not change the status here.

The Secretary of State had already formally certified the name of Lyndon B. Johnson as the Democratic nominee for the Senate and his name has gone on the official ballot.

Johnson needs no further action here and Coke Stevenson may have exhausted his avenues of relief this side of the Senate itself, unless the United States Circuit Court at Atlanta, Ga., gives him a favorable decision.

When here last week Stevenson said he would carry his fight to the Senate if necessary. It now appears that may be his next step.

Under the Constitution, the Senate is the final judge of the qualifications and eligibility of its members. It has the power to refuse admission to a person holding an election certificate.

Neither Stevenson nor Johnson had any comment to make after receiving word of the Supreme Court's action. Stevenson said he wanted to discuss the matter with his attorneys before making a statement.

OCT 8 1948

U. S. Appeals Court Rules For Johnson

Injunction Set
Aside in Texas
U. S. Senate Fight

By Associated Press.

The Fifth Federal Circuit Court of Appeals in Atlanta refused Thursday to bar Lyndon B. Johnson as Democratic candidate for the U. S. Senate on the Texas general election ballot.

A special three-judge division of the court set aside a lower court temporary injunction Coke Stevenson had obtained in an effort to keep Johnson off the ticket.

The court said it had no right to interfere regardless of vote fraud charges by both Stevenson and Johnson.

It remanded the case "with direction to dismiss the petition."

The way for Johnson's name to go on the ticket had already been cleared by the U. S. Supreme Court. The high court on Tuesday had refused to throw out an order by its Justice Black which lifted the injunction.

Fraud Charged.

Johnson and Stevenson were opponents for the U. S. senatorial nomination in Texas' Aug. 28 second Democratic primary. An official canvass showed Johnson winner by 87 votes.

Stevenson, charging vote frauds in three South Texas counties, sued in North Texas Federal District Court. Federal District Judge T. Whitfield Davidson issued a temporary injunction barring Johnson from the November ballot pending a trial on merits.

Johnson appealed to the Fifth Circuit Court of Appeals and also went to Justice Black of the Supreme Court. Last week Black stopped the injunction and Johnson's name was sent out for the ballot by the Texas secretary of state. Then the high court upheld Black's action.

Johnson Happy.

A statement in Austin, by Johnson expressed happiness over decisions of the two higher courts.

"The circuit court has now ruled in substance, as the Supreme Court ruled, that the State of Texas and its courts alone have jurisdiction over Texas elections," Johnson said.

"That position I have consistently stood upon since this lawsuit was first filed with a federal district judge."

"I am particularly happy that both courts—the Supreme Court and the Circuit Court of Appeals—decided the case without a single dissent. It represents the opinion of three circuit court judges and the eight Supreme Court justices who were sitting."

"I tried to be a good loser in 1941, and I want to be a good winner in 1948. My heart is too full of gratitude to hold any bitterness toward anyone."

"I hope all Texas Democrats will forget our differences, and rally to the support of our party, to the end that it shall continue strong."

Former Gov. Dan Moody, attor-

ney for Stevenson, said in Austin that two possible legal lines of court action remained open for Stevenson.

Moody would not say what legal action might be taken next, but he said the two possibilities were "a motion for a rehearing by the circuit court, or a petition for certiorari to the Supreme Court of the United States."

A petition for certiorari, if approved, would have the effect of carrying the record of the proceedings in the lower court to the Supreme Court for review.

Dallas (Tex.) News

OCT 27 1948

JOHNSON TO MAKE TALKS AFTER ASKING VOTE QUIZ

By WILLIAM M. THORNTON

Chief of The News Austin Bureau

AUSTIN, Texas, Oct. 26.—Lyndon Johnson Tuesday filed an affidavit asking that all Texas election boxes be impounded.

He announced he would broadcast Thursday in behalf of his senatorial candidacy.

Coke Stevenson immediately assented to the impounding and in-

vestigation in a statement that demanded an honest count.

"I repeat that I welcome the fullest possible investigation of the entire election," Stevenson said. "I repeat a quotation from Judge Davidson when he said, 'If there is fraud, let's throw open the door and let the light in.'"

PORTER'S VIEW

"This is the beginning of the end of Lyndon Johnson's political

career," said Jack Porter, Republican candidate for the Senate. "This is an admission that there was fraudulent voting in the August primary.

"There is a sure way to keep Texas elections honest. Vote against the candidate who is willing to accept the benefits of fraudulent election."

Johnson's affidavit said that in event of a recount it must be comprehensive enough to "embrace all ballots cast in all of the 252 counties where the primary election was held" (Aug. 28).

It would take months to recount all the votes cast in the 252 counties.

(At Houston Tuesday night Johnson told reporters: "If the proper committee from the United States Senate counts the votes, and it turns out that I do not have a majority I'll cheerfully resign my seat in the Senate." He added:

"I am confident and happy. I am not frightened by Mr. Stevenson.")

Johnson will make a series of three radio addresses Thursday night from different stations, starting at 7:30, 8 and 8:30 p.m., and lasting thirty minutes each.

Johnson's affidavit was addressed to United States Sen. Wayland Brooks (Rep.) of Illinois, chairman of the Senate rules and administration committee.

OATH REQUIRED

Johnson disclosed that he had called Donald Cook in Washington last Saturday to present his request to impound all boxes instead of those in two or three counties, and was informed that he would have to present his facts under oath, hence the affidavit.

Johnson professed not to know what charges have been made or what basis the Senate committee has for impounding ballot boxes, but if such is the case he wants all impounded.

Stevenson said Johnson evidently was prompted to make his affidavit by his (Stevenson's) broadcast of Monday night and that it is "an indication that Mr. Johnson appears to be scared."

Senate Group Dismisses Johnson Vote Contest

FROM PRESS DISPATCHES

WASHINGTON, July 27 —The Senate Rules Committee today voted unanimously to dismiss election contests against Sens. Harley M. Kilgore, (D-W VA), Robert S. Kerr, (D-Okla), Lyndon B. Johnson, (D-Texas), and Homer Ferguson, (R-Mich).

It adopted a subcommittee report which turned up election irregularities such as \$2 payments to voters in West Virginia and "kick in" campaign contributions by automobile officials in Michigan.

But the committee agreed with the subcommittee that none of the four senators was linked in any way with any wrongdoing. The committee's decision now goes before the Senate for final action.

Johnson's victory in the 1948 Democratic runoff primary had been contested by former Gov. Coke Stevenson, his opponent. Johnson won by 87 votes.

Turner L. Smith, committee counsel, said the action in the Texas case was final because no formal general elections contest was filed.

The committee said Stevenson did not pursue the remedy provided by state laws when he failed to file suit in a Texas district court.

"Instead, he filed a suit in equity in a United States District Court in Fort Worth, seeking to enjoin the election officials of the state from placing Johnson's name on the official ballot to be voted in the general election," the report said.

It added that a full re-count would have been necessary for the committee to arrive at its own determination of the primary results.

This might have been accomplished, the committee said, if the rules subcommittee had impounded all ballot boxes or if Stevenson had filed a contest in a Texas district court.

It said the committee was informed that all or virtually all of the ballots in the 254 Texas counties have been destroyed in accordance with state law.

At San Antonio Josh H. Groce, attorney for Stevenson, said

Stevenson had filed three petitions with the committee.

He said one petition was filed in October; that it contained certified copies of court records containing more than 1,000 pages from actions filed at Fort Worth, Corpus Christi, Dallas, San Diego and Zapata. He said all of these showed irregularities in conduct of the election.

Groce said Stevenson sent a telegram to the rules committee in January outlining his position and giving citations for feeling the election was fraudulent. He said a third petition was sent the Senate committee in February, and that each petition asked that Stevenson be notified if other material were necessary.

The attorney said no regular form of protest or petition is provided for. He said Stevenson phoned the committee today asking what type and kind of petitions were required. Groce said he also had talked to Stevenson since the committee action was announced.

SEP 1 - 1948

Johnson Flays Changes Which Aid Stevenson

Phone Calls for Votes Cited in Statement

AUSTIN, Aug. 31 — AP — Coke Stevenson wasn't ready today to make a statement regarding his reported narrow lead in the U. S. Senatorial race. His opponent, Lyndon Johnson, cited "alleged errors and recapitulations" which he described as steadily offsetting his gains.

Stevenson asked for "a chance to catch my breath" before commenting on today's returns.

The former Governor said he had been on the telephone all morning.

Johnson's Statement

Johnson commented on the fluctuating unofficial returns compiled by the Texas Election Bureau in a formal statement. It read as follows:

This fact about the election returns needs to be pointed up: Ever since the big city returns were in late Saturday night, my vote has increased steadily—except for alleged errors and recapitulations.

"It is not meant to question the Texas Election Bureau, but the fact remains that my gains have been in votes counted; and my gains have been steadily offset by corrections."

"For instance, on yesterday a county in northeast Texas wired its correction which added 400 votes to Stevenson and none to Johnson."

"For instance, a Southeast Texas county wired a correction which added 60 votes to Stevenson and none to Johnson."

Phone Calls Urge Votes

"Late yesterday I was told that there were telephone calls to a West-Central Texas county, urging that at least 200 votes be sent in as

a correction. We telephoned our men in that area and they assured us the correct vote was already in. But at 1:30 o'clock this morning, our men telephoned that there had been a mistake, and there was a net gain of 225 for Stevenson."

"Last night we were told that a Gulf Coast county had been asked to deliver another 100 votes. We are now advised that a revision has been reported showing this county has made a 'mistake' of 87 votes in favor of Stevenson; and another county in the same vicinity sent in a revision of 23 in favor of Stevenson."

"Up to now, I'm sure that all of the mistakes have been honest mistakes, but nevertheless, Stevenson has been kept in the running by those mistakes. If I lose this election, I want to lose it by the votes of the people and not by mistakes and corrections."

"In order that we may not be corrected out of the running, I hope each county chairman whose duty it is to canvass the returns, will be sure that a Johnson representative is present when the official returns are canvassed."

"In 1941, I lost this office by 1,311 votes, and I was counted out on Wednesday. In 1941, the same men were involved: I lost the Senatorial race by 1,311 votes and Coke Stevenson won the Governorship by 1,311 votes."

"In 1941 and in 1948, the experienced politicians were on the other side. That is why I urge the Johnson supporters in the counties whether they be housewives, veterans, young lawyers or whoever, to be certain that the votes certified as the county vote shall consist of votes actually recorded."

"If that is done, I will be happy whatever the outcome."

SEP 5 1948

Stevenson Got 'Bloc Votes' In Four Previous Elections

By JAMES V. LOVELL

Coke Stevenson's outraged protest of "bloc-voting" for Lyndon Johnson in Mexican-border counties calls attention to the fact he received the same bloc votes in four previous state races.

Figures in The Texas Almanac, a Dallas News publication, reveal that Stevenson got the same bloc vote when he ran for lieutenant governor in 1938 and 1940, and again in 1942 and 1944 when he ran for governor.

The exchange of charges by the two candidates during post-election week enlivened the wait for an official canvass of the returns, scheduled Sept. 13 in Fort Worth.

Unofficial Tabulation.

Unofficial tabulation by the Texas Election Bureau revealed major revision of vote totals in several of the 254 counties. Few of the counties failed during the week to report errors in their first calculations.

Harris and Dallas counties, each of which gave Stevenson big pluralities, reported corrections which increased his total. Eastland also came in with a notable bloc of Stevenson votes overlooked in the first tally. Yoakum and Cass gave him large, new blocs. For Johnson, revision of totals announced in Jim Wells, Hardin, Zapata and others helped him regain the lead he lost earlier in the week.

When Stevenson was in the lead, Johnson stated that he was "being corrected out." After Johnson took the lead, Stevenson made a similar charge and referred to bloc voting in some South Texas

How Coke Stevenson fared in four previous races, for lieutenant governor and governor, is shown below:

August, 1938 Primary				
	Duval	Starr	Zapata	Zavala
Stevenson	2,627	1,842	718	768
Brooks	198	61	98	474

July, 1940 Primary				
Stevenson	3,643	974	389	897
Somerville	53	5	26	57
Mead	88	3	13	133

July, 1942 Primary				
Stevenson	2,836	987	438	702
Collins	72	10	10	303
Porter	5	1	0	11
Somerville	0	0	0	0
Ferguson	0	3	2	9

July, 1944 Primary				
Stevenson	3,310	1,396	317	918
Jones	1	1	0	32
Minton	1	0	0	6
Ferguson	0	0	1	2
Cunningham	6	1	0	70
Porter	8	0	0	9
Carey	0	0	0	9
Grimes	1	0	0	14
Mills	0	0	0	22

counties which gave Johnson strong support at the polls.

Remarkable Unanimity.

Among the border counties which have been mentioned during the campaign and following the election, are Duval, Starr, Zapata and Zavala. These counties show a remarkable unanimity of support in all elections, as the accompanying tabulation shows.

In fact, the election just concluded is the first of five statewide campaigns in which they failed to give Stevenson the kind of support now given Johnson.

A tabulation of the votes in four races run by Stevenson, for lieutenant governor and governor, is shown in an accompanying table.

PEURIFOY WINNER WITH STEVENSON

By SAM HOLMES JR.

Pipe-puffing Coke R. Stevenson soundly trounced Lyndon Johnson in Dallas County returns for the United States senatorial race Saturday. The former governor carried a lopsided total of 121 boxes to Johnson's 22.

Final unofficial returns from the county's 143 boxes gave Stevenson a fat total of 26,195 votes to 17,679 for Johnson, a lead of 8,516 out of a total vote of 43,874.

In local races, County Democratic Chairman Arthur Stevenson and Paul Peurifoy came from behind to win their respective races after trailing through almost half the return tabulations.

Arthur Stevenson had a hairline edge of 252 votes over Dick Hatfield out of 39,664 votes. Peurifoy pushed ahead of Mrs. Winter King by 1,310 votes out of 42,222 in their race for Judge of County Court at Law No. 1.

SEGRIST WINNER

Both Arthur Stevenson and Peurifoy trailed their opponents in the July primary.

In two Oak Cliff precinct races, Constable Kal Segrist won re-election over challenger R. R. (T-Bone) Cheeves, and S. T. Chandler Sr. defeated Curt Stiles for Justice of the Peace, Precinct 7, Place 2.

Segrist got 6,591 votes to 4,659 for Cheeves; Chandler received 6,078 votes to 3,950 for Stiles.

Three other county constable races were decided, also.

Coke Stevenson began landsliding Congressman Johnson with the very first returns. In only two boxes did Johnson win by overwhelming margins. Those were Precinct 6, 2700 Flora, and Precinct 45 in South Dallas. Both areas are heavily populated with Negroes.

In most of Johnson's other boxes he led by only a few votes, and by only one vote in Precinct 75 at Letot School. Precinct 24 at Travis School gave each candidate the same number of votes, 97.

WIPE OUT GAINS

Johnson carried most of the smaller county communities, including Wilmer, Kleberg, Rowlett, Buckner, Orphans Tome, Cedar Hill, Duncanville and Estelle.

But two Highland Park boxes alone, Precincts 72 and 24, wiped out all of Johnson's lead in these towns. They gave Stevenson a margin of 620 votes.

Votes in the nine cities precincts swung the tide to both Peurifoy and Arthur Stevenson. Both candidates received overwhelming margins in the Precincts 60, 61, 62, 63, 72, 118, 122, 123 and 124.

The 43,874 votes cast in the senatorial race exceeded pre-election estimates. Election officials credited a comparatively cool day and an extremely short ballot for bringing out the voters. The vote, however, was far under the 74,000 cast in the July primary.

The two county-wide races generated little interest until the final days of the campaign.

The bitterness of the county chairmanship race was reflected in the extremely narrow margin Stevenson held.

The State's righters, however, lost four of their six contested precinct chairman posts. Among the losers was J. Hart Willis, leader of the State's rights group. He was defeated in Precinct 59 by Homer B. Fisher.

Only L. R. Robertson in Precinct 93 and Marion S. Church in Precinct 138 could gain victories over pro-Truman opponents. The three losers, besides Willis, were E. R. Foster in Precinct 3, defeated by Donald V. Yarborough; Banks Upshaw in Precinct 70, defeated by R. H. Littlefield; Frank Cain in Precinct 114, who lost to O. J. Handley.

Election officials agreed that Saturday's election was one of the quietest ever held.

RECORD CHALLENGED

Peurifoy, a lawyer with twenty-one years experience in Dallas courts, repeatedly challenged Mrs. King to name any contested law suit in which she had been a party. Mrs. King, wife of the late Criminal District Judge Winter King, ignored the challenge. She stuck to pointing out that she had been a licensed attorney eleven years and declared that during that time she had handled cases of the types she would be required to hear as County Court at Law Judge.

The Stevenson-Hatfield campaign probably commanded more widespread interest because the two candidates represented the two opposing factions of the County Democratic organization.

The 71-year-old Stevenson ran with the strong support of the States' Right Democrats, a group he opposed two years ago when he won the chairmanship in a race with E. B. Germany. Hatfield had the avid backing of the pro-Truman faction, of which he himself has been a top leader.

In County

(Copyright, 1948, Dallas County Election Bureau)

Complete unofficial returns from Dallas County's 143 precincts in Saturday's Democratic runoff primary, as compiled by the Dallas County Election Bureau:

U. S. Senator: Johnson 17,679, Stevenson 26,195.

County Judge at Law No. 1: King 20,456, Peurifoy 21,766.

County Democratic Chairman: Hatfield 19,706, Stevenson 19,958.

Justice of Peace, Precinct 7, Place 2: Stiles 3,950, Chandler 6,078.

Constable Precinct 7: Segrist 6,591, Cheeves 4,659.

Constable Precinct 2: Bell 507, Shafer 448.

Constable Precinct 5: Chapman 526, Aston 463.

Constable Precinct 4: McPherson 699, Terry 901.

Dallas (Tex.) Times Herald

OCT 30 1948

Johnson Again Requests Panel To Preserve Record of Voting

Austin, Oct. 30 (AP).—Lyndon B. Johnson has made another formal request that the Senate sub-committee on privileges and elections ask Texas election officials to preserve all vote records of the Aug. 28 primary.

"I have invited a full and com-

plete investigation since the day of the election," Johnson said in a letter to Chairman William E. Jenner of the committee.

"A complete recount could have been accomplished by state law, in state courts, on the defeated candidate's request. A complete

recount could have been accomplished if you had complied with my request as you imply that you did, by impounding all ballot boxes in Texas."

Since the Johnson request for impounding all ballot boxes was made, the candidate said, ballots in Duval and Navarro county were burned and it was reported that all boxes were emptied and placed in a gunny sack in Tarrant County.

Johnson had asked originally that all boxes be impounded. The Senate sub-committee then requested that ballots be preserved in several additional counties.

Navarro was not among the counties in which the Senate Sub-committee on Elections asked that ballots be impounded in its check into the senatorial runoff primary.

The Democratic nominee, in a telegram to the Associated Press, said he wished to emphasize that he had asked the Senate to impound ballots "to avoid any such

mishandling which might prevent thorough and fair recount of all primary ballots."

"My request to the Senate asked the impounding of all ballots in all 252 counties holding elections, which would include Navarro, of course," Johnson said.

Ballots of the two Democratic primaries were burned at Corsicana. Dave Kinnemore, yardman and fireman at the courthouse for 30-odd years, said he burned the ballots last week as he got ballot boxes and supplies ready for the general election. He said he did not discuss destroying the old ballots with county or Democratic officials, but did as he had done through the years.

Dallas (Tex.) Times Herald

NOV 28 1948

Johnson Always Won In Disputed Box 13

With the U. S. Senate investigation into voting in several South Texas counties still hanging fire, it was brought to light Saturday that the much discussed Precinct 13 in Jim Wells County gave a heavy majority to Sen. Elect. Lyndon Johnson in each of the three 1948 elections.

Some critics have charged that the heavy Johnson majority in the second primary was an indication of voting fraud. Here are the actual figures on voting in the South Texas precinct, as re-

ported Saturday by the United Press:

July primary—Johnson, 309; Stevenson, 87; Petty, 44.

August primary—Johnson, 967; Stevenson, 60.

General election—Johnson, 610; Porter, 156. At this election there were two Republicans and one Democratic observer at the box.

In the January primary, long before the heated voting contro-

versy arose, the voters of Jim Wells Precinct 13 were heavily in favor of Johnson, the figures indicate.

Precinct 13 was the storm center of charges of Coke Stevenson, the defeated candidate in the August runoff primary, that there was fraud in the voting.

Stevenson's appeal was carried to the courts, and was upheld by Federal Judge T. Whitfield Davidson in a much-publicized hearing at Fort Worth, only to be reversed in Johnson's favor by both the Circuit Court of Appeals at Atlanta and the U. S. Supreme Court in Washington.

Johnson earlier had won the nomination of the Democratic Party at that organization's September state convention at Fort Worth. Beaten at every turn, Stevenson threw his support in the general election to the Republican candidate, Jack Porter, but to no avail.

The U. S. Senate sub-committee on elections sent investigators into South Texas, and finally impounded all second primary voting records throughout the state. The records are being held in safe keeping by election officials in each county.

How Often Must He Win? Johnson Asks Offers to Run Again if Recount Changes Result

By JACK GUINN

Post Austin Correspondent

AUSTIN, Oct. 28.—Congressman Lyndon Johnson said Thursday night he would resign from the United States Senate and run again in a special election if any lawful recount of the Aug. 28 state primary showed he did not win a majority of the votes for the Democratic nomination.

IN A 30-minute, state-wide, radio broadcast originating in Austin, attacked "Johnson haters" and "poor losers" and "parrots of special privilege" who "figured they could ruin Lyndon Johnson" with charges of election fraud.

"I won this election fairly, squarely and honestly at the ballot boxes," Johnson said, "and I believe I won by a much greater majority than the official figures show. I won before the executive committee. I won it at the state democratic conven-

The Senate investigation of the Johnson-Stevenson election is under fire from Democratic Senator Myers of Pennsylvania. Story on Page 6, Section 1.

tion and I won it in the federal courts. I don't know how many times a man is expected to win."

Without mentioning his Aug. 28 opponent, former Governor Coke Stevenson, by name, Johnson said he had challenged him "to meet us in the legal lawful courts."

"RIGHT AFTER the election when these cries of 'foul' were first raised," Johnson said "I publicly stated that anyone with evidence of fraud ought to take it to a grand jury."

Stevenson, who had been defeated by 87 votes for the Democratic nomination, asked the United States Senate to investigate the voting in Starr, Jim Wells, Zapata and Duval counties, where he charged Johnson benefited by election fraud and irregularities.

"I INVITED an investigation for all the votes," Johnson said, "and have asked the Republican controlled election committee to impound all the boxes in Texas so that we can have the full story."

Thursday three additional investigators were sent into Jim Wells county by the Senate elections subcommittee which is headed by Senator William E. Jenner, Indiana Republican. Two investigators already were working in the county.

Stevenson says these votes were thrown out because of a technicality. The election judge failed to sign his name across the backs of them.

"We would have added 30 votes

Johnson Asks For 'Full Story'

(Continued From Page 1.)

by correcting an obvious admitted error from Jack county. We would have asked the court to pass upon the fact that my opponent's own blood cousin, Arthur Stevenson, made four separate certifications of the Dallas county vote increasing Stevenson's lead each time."

HE MENTIONED several other counties where he said a full investigation would have given him far more votes than his official 87 vote majority.

"Of all this fraud you hear about," Johnson said, "not one word was presented by those who cry loud in the papers to the grand jury in any other counties where fraud is alleged to have existed."

"If they wanted a recount, he could have had it in the district court of Travis county or he can have all the boxes impounded by the senate, but Lyndon Johnson is the only person so far who has asked that all boxes be impounded. If he's got evidence of fraud, he can present it to the grand jury of the county where he thinks the fraud exists."

"I URGED that evidence of fraud be submitted to a grand jury. We challenged them to meet us in the state courts. And when it became apparent that they were intent on presenting a one-sided, topsided, three-county complaint to the United States senate, I called upon that body to extend any investigation to all counties. So far, according to press reports, they have impounded the ballots in only a handful of counties. Anything less than a full recount will be absolutely worthless."

Johnson's speech gave a round-by-round, blow-by-blow account of the election controversy in and out of the state and federal courts up to the supreme court of the United States, where an injunction against placing Johnson's name on the Nov. 2 ballot was set aside.

"Isn't it crystal clear now," Johnson asked, "that the whole purpose of this little group of Johnson haters was for publicity purposes in an attempt to keep my name off the ballot and, failing in that, to so embarrass me as to elect a Republican senator?"

THE ENTIRE aftermath of the campaign, Johnson said, was directed against him personally. It was an "unparalleled campaign as any Texan ever has seen and with the sole motive of assassinating my reputation and electing a Republican."

But, he said, it was "no surprise to me."

"The parrots of special privilege are speaking for the men who hate Lyndon Johnson. They hate me and they have no concern for the people of this state. They wanted and still want a senator to call their own. A senator they can count on to do their bidding, vote as they say vote, speak when they say speak. They know Lyndon Johnson will not be that kind of senator. They know Lyndon Johnson will not be putty in their gloved hands."

Johnson concluded his broadcast with this:

I HAVE but one hope—that I may bequeath to my two baby daughters a record of achievement for the people of Texas which they may forever cherish."

UNCANNILY ACCURATE

Election Bureau Has Never Missed

Returns from the neck-and-neck United States senatorial race now being published by Texas newspapers and broadcast over radio stations are gathered by the Texas Election Bureau and are unofficial.

The winner can be declared only by official canvass by the Democratic State Executive Committee Sept. 13.

Each county report, signed by the various county chairmen before a notary public, is mailed to the state committee for canvassing.

HAS GOOD RECORD

The Texas Election Bureau, although it can not actually elect an office holder on the basis of its unofficial returns, has been uncannily accurate during the thirty-two years of its existence.

It has never missed naming the eventual, official winner.

It takes many tedious hours of collecting and tabulating figures for the election bureau to produce voting results. It consumes days after the actual election day to consistently check, correct and revise totals issued hastily on election night by counties over Texas.

In each election there are hundreds of additions and revisions

made before all counties can be termed unofficially complete. Some counties report as many as six times to the bureau before returns are complete, unofficially.

Most mistakes are made through human error—the constant handling of figures.

The sole function of the bureau is to get the complete vote as quickly and accurately as possible.

The Texas Election Bureau, organized and supported by the hundreds of Texas newspapers and radio stations, has been collecting unofficial election returns for thirty-two years.

It operates in an impartial manner in an amazing network of communications which blankets Texas, making it possible for Texans to know, usually, late on election night, conclusive results from the vast state area.

Correspondents in each county report directly to the bureau in Dallas by telephone and telegraph. The correspondents get their returns from election officials.

GETS FULL REPORTS

Only twice in the history of the bureau has it been forced to attempt to get every vote cast, as in the present senatorial race. Because of the tightness of the races, it gathered almost complete returns in 1941 and in 1932.

In the 1941 senatorial race between W. Lee O'Daniel and Lyndon Johnson, the bureau reported O'Daniel had led by 1,095 votes. The official count was 1,311.

In the 1932 election, the bureau reported Mrs. Miriam A. Ferguson had led Ross Sterling by 2,373 votes. The official count was 3,870.

SENATE ASPIRANTS' AIDS TO VIEW VOTE CANVASS

By WILLIAM M. THORNTON

Chief of The News Austin Bureau

AUSTIN, Texas, Aug. 31.—Representatives of both Coke Stevenson and Lyndon Johnson will be on the state Democratic party subcommittee to canvass at Fort Worth Sept. 13 the returns of last Saturday's hectic runoff for the United States Senate.

This gesture of fairness was made Tuesday by State Democratic Chairman R. W. (Bob) Calvert in an announcement through Vann M. Kennedy, state Democratic secretary.

"Calvert is notifying both candi-

dates of his intentions and asking each to designate a committeeman who will serve as their representative on the subcommittee to count the votes," Kennedy said.

TO PROVIDE REPORTS

"Calvert is also advising the two candidates that he will give them periodic reports as to county returns which have been received," Kennedy added.

In that way each candidate will be able to urge the filing of missing returns favorable to him and thus insure a full count at Fort Worth, Kennedy said.

Asked if the totals would be made

public when all returns have been tabulated, Kennedy replied:

"That has not been decided. It will be up to Chairman Calvert to say whether the totals will be made public. I am aware of the intense interest and the desire to compare the Texas Election Bureau returns with the figures officially reported to us, but I am not able to say at this time if it will be permitted ahead of the Fort Worth session of the committee."

Only three days will elapse between the Sept. 14 Fort Worth state convention and the final date for filing names of party candidates with the Secretary of State for places on the Nov. 2 general election ballot.

This will offer an abbreviated opportunity to prosecute a contest of the count. Such a contest may be on the way because of the closeness of the vote and the possibility of charges of manipulation.

In a formal statement Tuesday Secretary of State Paul H. Brown advised all concerned that he will close the ballot filings Friday, Sept. 17. Brown says it is the law, as he reads it, and will be followed, as it has been in the past.

DEAD LINE SEPT. 17

Nominees for all state offices must be filed by Sept. 17. Those of the Democratic party will be officially determined at Fort Worth on Sept. 13 and, unless there is an injunction, will be certified to Brown within the dead line time.

On Monday, Sept. 13, the State Democratic Committee will canvass the returns at Fort Worth and reports its totals to the state convention on the following day.

All eyes will now be centered on the state committee's canvass to see if it upholds the Texas Election Bureau's findings. The committee's totals are official and final, unless a court rules otherwise.

THE HOUS

SATURDAY, JUNE 7, 1952

Disputed Votes Unnecessary To Johnson's 1948 Victory

The effort of certain newspapers to blow up a letter written by a convicted killer and suicide into an implication that Sen Lyndon B. Johnson holds his position because of a fraud is about as unworthy a use of freedom of the press as the state has seen in a long time.

The stories about the Smithwick letter to former Gov Coke Stevenson, defeated by Sen Johnson in the August, 1948, run-off primary election, leave the impression that the former governor would have been the Democratic nominee, if 202 votes in Precinct 13 of Jim Wells County had not been counted for Sen Johnson. It is charged that the votes were placed in the ballot box after the polls closed, so as to swing the election to Johnson.

In the first place, it has not been shown that the votes were fraudulent, but even if they were, throwing them out would not have upset the victory by Sen Johnson under a fair recount of all the votes cast in the election. The news stories dealing with the Smithwick letter fail to state that there were a number of irregularities in that election, technical and otherwise, which, if they had been straightened out, would have given Johnson a greater margin of victory than the 87 votes of the official record.

Let us see what a fair recount—which the former governor did not bring an election contest to obtain—would have disclosed.

It is unnecessary to go farther down the list of counties than Brown to put

Johnson into the lead by more than double the 202 disputed votes in Jim Wells County.

In Brown County an election contest in the county judge's race resulted in a court ruling that there were about 1,800 illegal ballots. Among these were 1,102 cast for Stevenson and 634 cast for Johnson. Had they not been counted in the total which produced Johnson's 87-vote victory, it would have meant a net gain of 468 for him.

In Jack County a clerical transposition of figures gave Stevenson a 30-vote lead that should have been Johnson's. A Johnson protest with the State Democratic Executive committee was withdrawn when the count of undisputed votes gave him more than enough to be declared the nominee. And so it went for a number of other counties, including Harris County.

It should not be forgotten that Johnson was elected senator in a general election in which he opposed a strong Republican candidate who had the endorsement of former Gov Stevenson. The issue raised then by Stevenson, and now by newspaper stories about a killer who was to take his own life and who labored under the idea that he was the owner of a substantial fortune, was widely publicized in the campaign. The people decided that Johnson had won the primary election and that he was entitled to the Senate seat. They decided it by a substantial margin.

The newspapers which have sought to find a skeleton in an empty closet owe their readers an apology.

Coke Stevenson Claims Fraud In South Texas Precinct Vote

By the Associated Press

Coke Stevenson went to Alice Friday and sought to throw out the returns from one precinct in Jim Wells County, charging fraud and error.

In Austin, Lyndon Johnson said that he was "not surprised" at the action.

Johnson led Stevenson by 162 votes in the United States Senate race returns at the last unofficial tabulation on the Aug. 28 election.

An affidavit charging an error of "200 votes or more in the Jim Wells County returns" as certified to the State Democratic Executive Committee" was filed in Alice with County Clerk C. H. Holmgren by Kellis Dibrell, San Antonio, agent for Stevenson and former FBI agent. It also was signed by Stevenson.

In the affidavit Dibrell charged that returns from precinct 13 in Jim Wells County were incorrect and erroneous and "should be entirely discarded and held for

nought by the committee in tabulating results of the Aug. 28 election."

The precinct returns showed 967 for Johnson and 61 for Stevenson.

In his statement commenting on the action Johnson said he never has been a "poor loser or a cry-baby."

"I want only the votes I got," Johnson said.

Stevenson also conferred in Alice with Harry Lee Adams, new chairman of the County Democratic Executive Committee, who had reported he had evidence alleging only 841 votes were cast in precinct 13, whereas 1,028 votes were reported in the Senate race.

Stevenson returned to Austin Friday and indicated he was considering making a statement Saturday.

The Houston Chronicle reported in a special dispatch from Alice that officials of the incoming and outgoing County Democratic Executive Committee in Jim Wells County were deadlocked in a struggle for possession of election records.

The list and supplies involved in the dispute were said to be locked in the vault of the Texas State Bank of Alice, of which George Parr, San Diego, Texas, is president, the Houston paper said.

The paper said also that the county committee has adopted a resolution declaring it is unable to determine the true and correct results of the senatorial election in precinct 13. The precinct embraces the town of Alice.

In Dallas, a member of the Dallas County canvassing committee Friday accused the committee of using "slipshod methods" in handling returns of the runoff election. S. S.

Borgden, Dallas, made his charge after an unreported voting machine had been discovered in a Dallas precinct.

A corrected certification showing 113 more votes for Stevenson and 73 more for Johnson on the machine was sent to Austin. Dallas County Democratic Chairman Arthur Stevenson said it would be up to the state committee to decide whether to accept the new totals.

Back in Austin, Vann M. Kennedy, secretary of the state committee, directed a memorandum to committee members quoting a supreme court opinion which held that the committee's sole power in canvassing election returns is to add the votes cast for each candidate and to certify the results. He also noted that the committee was held without authority to recount the ballots.

The state committee will meet in Fort Worth Monday to canvass returns.

Coke Names Aids

HILLSBORO, Texas, Sept. 10 (AP).—State Democratic Chairman Robert W. Calvert said Friday night he had received Coke Stevenson's nominations for a representative on a subcommittee which will canvass the vote in the Texas United States Senate race.

He said he had not heard from Lyndon Johnson, Stevenson's opponent in the hotly contested election.

A subcommittee of the State Democratic Executive Committee will canvass the vote Monday.

Calvert said Stevenson had named committee members Albert Sidney Johnston of Dallas and Mrs. Claude Hudspeth of San Antonio.

The state Democratic chairman recently wrote both candidates that if they desired, they could each name a man and a woman representative for the subgroup.

Calvert will name a 7-man subgroup to canvass the Senate race vote Monday, when the state executive committee formally convenes in Fort Worth at 10 a. m.

Senate Group Asks Data on Texas Vote

By WALTER C. HORNADAY
Washington Bureau of The News

WASHINGTON, Sept. 9.—The United States Senate election investigation committee has asked Texans to give specific information of reported irregularities in the Stevenson-Johnson Senate contest.

The Senate committee's interest in the hotly fought Texas runoff was indicated as the Justice Department pushed a check to determine whether a full-scale FBI probe will be conducted.

Nelson Derenian, committee general counsel, reported telegrams had been received from a number of Texans declaring the will of the majority had been thwarted and that the Senate should look into the balloting.

DALLAS MAN CITED

E. B. Germany of Dallas, former state Democratic chairman, was among those suggesting the Senate group turn its eyes toward Texas, Derenian said.

Others he listed were Lamar Fleming Jr., Robert Eikel, Andrew Jackson Wray and Joseph Evans, all of Houston. The Houston Chronicle also telegraphed the committee.

Some of these Houstonians had also urged Atty. Gen. Tom C. Clark to launch a Justice Department investigation. It was these messages that caused Clark to instruct Asst. Atty. Gen. Alexander Campbell, head of the criminal division, to make the check now under way.

The messages from Texas were directed to Sen. C. Wayland Brooks (Rep.) of Illinois, Senate rules committee chairman. Brooks turned them over to Sen. William E. Jenner (Rep.) of Indiana, chairman of the subcommittee on elections, who referred them to Committee Counsel Derenian.

INFORMATION SOUGHT

"We assume the persons taking the trouble to inform the committee of the Texas election situation have definite information," Derenian said.

"Our response has been to ask

them to submit any specific information they have. Their statements must be made under oath and must be factual, in order to meet the committee requirements."

The committee's attitude is still one of watchful waiting, Derenian said. He pointed out no formal complaint of election frauds or irregularities has been placed before it.

"A formal complaint is a statement under oath from someone who knows what he's doing," Derenian explained. "If one of the candidates files a protest, it takes on added importance in the eyes of the committee. But the committee can investigate without a candidate complaining, if others furnish the right kind of information."

GROUP'S PURPOSE

The Senate election committee's purpose is to promote the right kind of elections in choosing members of the Senate and to look into the qualifications of those elected to the Senate, Derenian said.

"Since the committee has a responsibility involving the qualifications of a Senator, there is no limitation on the scope of the committee's investigations," he explained.

The committee would therefore have a much freer hand than the Justice Department. Federal prosecution in election cases are limited to conspiracy to violate election laws.

Decision Due On FBI Look Into Election

By WALTER C. HORNADAY

Washington Bureau of The News

WASHINGTON, Sept. 8.—A Justice Department decision is expected by Monday on whether a full-dress FBI investigation will be made of alleged frauds in the United States Senate runoff primary in Texas.

Asst. Atty. Gen. Alexander Campbell, head of the Justice Department criminal section, reported that more complaints had poured in from Texas Wednesday.

Campbell declined to disclose the names of persons and organizations who had sent telegrams, but the messages evidently resulted from The Dallas News report that a check of election irregularities had been ordered by Atty. Gen. Tom C. Clark.

Clark has announced that he will follow the recommendations of Campbell.

The decision won't be held back to await the result of the official canvass and certification of the primary by the State Democratic Committee Monday.

Rep. Lyndon B. Johnson led former Gov. Coke Stevenson by 162 votes in the Senate runoff, according to the last certified report of the Texas Election Bureau.

The charges of possible fraud or at least bloc voting, made by Stevenson supporters, has centered on Duval and a few other Southwest Texas counties with a heavy Spanish-speaking population.

Campbell described as a "review" the checking now being carried on of reports of election irregularities.

A complaint will not be accepted on its face value. The Justice Department will want to know the reliability and responsibility of the complainant.

Campbell was hopeful that the "review" might be completed by the week end. If messages continue to come in from Texas, however, the preliminary check might run well into next week, he stated.

The review is the method that has been used in all of the election fraud investigations conducted by the Justice Department. Actual questioning of election officials and of voters won't come until the FBI gets into the case.

The Justice Department would then pass on the findings of the FBI probe. If sufficient evidence is believed available to indicate conspiracy to violate the election laws, a federal grand jury investigation would be ordered.

Clark Orders Federal Checkup In Texas' Senatorial Election

By WALTER C. HORNADAY

Washington Bureau of The News

WASHINGTON, Sept. 7.—Atty. Gen. Tom C. Clark Tuesday ordered the Justice Department criminal division to check reported irregularities in the United States Senate runoff election in Texas.

Clark acted after receiving complaints from Houston and other points in the state.

The investigation will be the first step in determining whether a federal grand jury shall be convened to consider possible indictments for conspiracy to violate the state election laws.

Asst. Atty. Gen. Alexander Campbell, head of the criminal division, said an immediate study of complaints will be made by the election fraud section, headed by Abbott Rosen.

Messages received by Clark mentioned Duval, Cass, Wharton and Eastland as counties where checks should be made. Campbell said there were other counties listed.

Among the signers of telegraphic complaints were the Houston Chronicle; Lamar Fleming Jr., J. Leonard Davidson and Andrew Jackson Gray, all of Houston, Clark said.

After receiving a report from his election fraud section, Campbell said he will instruct the United States attorneys of the districts in which the counties involved are located to make a thorough but speedy investigation.

"After the United States attorneys report, it will be decided whether to present the matter to a federal grand jury," Campbell said.

Clark and Campbell both promised speed in determining whether sufficient evidence exists to warrant a grand jury probe. They

pointed out that the Federal Government can not bring criminal action except in cases of conspiracy to violate the election laws.

"Whatever the criminal division recommends, we will go ahead with it," Clark said.

INVITES PROBE

South Texas Politics Boss Defends Vote

SAN DIEGO, Texas, Sept. 7.(UP).

George Parr, self-styled rustic political chieftain, told the Houston Press in an interview Tuesday that the senatorial runoff election in his bailiwick was "as clean an election as ever has been held."

"It will stand investigation by anybody," Parr declared. "I invite investigation, for that matter."

Multimillionaire Parr, 47, talked to Press Reporter Ben Kaplan at his Moorish-style palatial home about the election. Ruling power in the 18-county Twenty-Seventh Senatorial District, Parr explained that Senate Candidate Lyndon B. Johnson got a thumping 2-to-1 majority simply "because he is our friend."

In key Duval County, the official final count was 4,622 votes for Johnson, 40 for former Gov. Coke R. Stevenson.

In the Twenty-Seventh District the totals were 48,255 for Johnson against 24,034 for Stevenson.

Stevenson had protested bitterly in the days immediately after the election about "bloc voting."

Parr took offense. In four previous elections, he said, the Twenty-Seventh District had gone for Stevenson with as much enthusiasm as it went against him in the senatorial race.

Furthermore, he said, Stevenson had asked him for support in the previous races.

"I did support him," Parr said. "And I never heard a complaint from him then about the bloc vote in Duval County."

Parr discounted stories about the influence of his political organization.

"Our concern is South Texas. Half a million live here, but they don't have a single representative on the Highway Commission or the State School Board or other state agencies," he said.

"We want to get things done in South Texas."

Rep. Lyndon B. Johnson held a 162-vote lead over former Gov. Coke Stevenson on the last report of the unofficial Texas Election Bureau.

Johnson suggested a FBI investigation after The Dallas News had editorially proposed that the State Senate general investigating committee look into voting practices in the election. The News concurred but again asked for a State Senate investigating committee hearing or any other means of bringing irregularities to light.

Campbell, a recent addition to the Justice Department staff, is a former United States attorney at Fort Wayne, Ind.

A Senate campaign investigating committee is keeping an unofficial watch on the outcome of the Texas Senate race.

Sen. William E. Jenner (Rep.) of Indiana, chairman of a Senate rules subcommittee, said his group will act only on complaint of one of the Senate candidates.

Jenner said the committee has authority to investigate primaries involving federal offices, and that it would not have to wait for the general election to move into the picture.

"Our committee doesn't engage in witch hunts," Jenner said. "We wouldn't act until one of the interested parties filed a proper, formal complaint."

Jenner said his committee has received no word of any kind from Texas, and that his knowledge of the Texas situation is based only on newspaper reports.

Court Sets Hearing for Monday In Suit to Block Vote Recheck

Johnson Granted Injunction In Jim Wells County Battle

By RAY OSBORNE

Staff Correspondent of The News

ALICE, Texas, Sept. 11.—A hearing will be held at 10 a.m. Monday in district court here in a suit seeking to block the canvass of disputed Jim Wells County votes in the United States Senate contest.

Judge L. Broeter of the Seventh-Ninth District Court will conduct the hearing, which was ordered Saturday by Judge Roy C. Archer of the 126th District Court at Austin. Judge Archer Friday night had issued a temporary restraining order at the request of Senate Candidate Lyndon B. Johnson. All seventeen members of the present Jim Wells County Democratic committee were notified of the order Saturday by telegram.

The order restrained the committee, its secretary or chairman from eliminating or attempting to eliminate any votes cast in Jim Wells County on the grounds of illegality, or irregularity or on any other grounds.

765 TO 60

It also restrained the committee from sending or filing with the state executive committee or any of its officers any returns of the second primary showing any result other than the canvass conducted by the county committee Sept. 4.

The vote in Precinct 13 was reported as 765 for Johnson and 60 for his rival, former Gov. Coke Stevenson. Several boxes were reported to have been brought in later. The certified vote for Precinct 13 gave Johnson 202 more and Stevenson one more vote. The certified total was 367 for Johnson and 61 for Stevenson.

Tom Donald was chairman of the county committee which certified the vote Saturday, Sept. 4. On Monday, Sept. 6, a new county committee headed by Chairman Harry Lee Adams took over.

Tabulation of votes from the Senate race will be made in an open meeting. State Democratic Chairman Robert W. Calvert said at Fort Worth Saturday.

The Associated Press said there will be two 7-member subcommittees of the state executive committee named to tabulate votes Monday. One will be devoted exclusively to the senatorial count. The other will handle the district races.

The AP quoted Calvert as saying that the state executive committee would meet promptly at 10 a.m. Monday. The subcommittees will be named and will go to work immediately.

Named by Johnson as defendants in his suit are Stevenson, Frank Hamer of Travis County, a former state Ranger captain; Kellis Dibrell of San Antonio; Chairman Adams; Secretary H. C. (Ike) Poole and the seventeen members of Jim Wells County committee.

Johnson alleges that the defendants are acting together for the

purpose of causing an alteration of the returns from Jim Wells County as originally canvassed.

He also charges that Stevenson, Hamer and Dibrell have gone into Jim Wells County "and by threats and intimidation attempted to have the votes of one or more of the voting boxes eliminated from the official returns." Furthermore, that they have sought to have new returns forwarded to the state committee, taking votes from Johnson "in sufficient numbers to change the result of the election." The Jim Wells County committee has no authority to hear or determine an election contest, it was further contended.

Johnson, in his statement, added: "The official returns as canvassed and certified by the county executive committee have shown that I received a majority of the votes. The Texas Supreme Court has clearly held that only the courts have authority to go behind these official certifications.

"In plain defiance of the law, my opponent is attempting to impeach the returns certified by executive committees. If it were permissible to go behind these returns in a canvass, I have plenty of evidence. One instance is the use of illegal ballots in the counties of Harris, Brazoria and Harrison. The statute plainly provides what shall be on the ballot, and in absolute defiance of the statute and the directions of the state Democratic committee, the local election committees of these counties framed a ballot designed to invite non-Democrats into the primary. A vast majority of these non-Democrats opposed Lyndon Johnson.

"Knowing, however, that questions of this sort can be raised only in an election contest in a court of competent jurisdiction, I have observed the law, and have asked my friends to see to it only that the law is observed.

"If the losing candidate has any

evidence to support his charges against the officially canvassed returns, he is entitled to his day in court. At that time, I will present my evidence."

Stevenson, here Friday, filed an affidavit with the County Clerk charging irregularities and that the total number of votes certified by the county committee is incorrect.

Poole and Adams have filed an affidavit with Vann M. Kennedy, secretary of the state executive committee, to the effect that the new county committee can not determine the true and correct vote in Precinct 13.

The new committee, Adams said, demanded poll lists, tally sheets and other material. Delivery was refused, according to Adams.

Investigators, including Poole, checked many voters this week.

DOUBTS MANY VOTES

"I am confident there are more than 200 people shown as voting who did not vote," Poole said Saturday. "I helped gather the evidence and obtain affidavits from more than 200 such people."

"We are of the opinion that the state executive committee or some other official body should determine the correct vote in this precinct since we are unable to do so with the records of the voting not being made available to us," the affidavit filed with Kennedy read.

FILED WITH KENNEDY

Kennedy, in Austin, said he would submit the request to the state committee at Fort Worth Monday.

Poole also issued a vitriolic statement Saturday saying:

"No official papers have been served on me as yet, but I have heard that the Democratic committee and myself have been restrained from taking any further action with reference to certifying the correct returns from voting in Precinct 13. Of course, I am going to obey the order of the court even though it appears contrary to Article 3125 of the state election laws, which state that the committee should hear and determine the complaints and irregularities and canvass the vote.

"I am one of many citizens that requested and desired help from the citizens of Texas who live outside the Iron Curtain to give us back our franchise as voters."

HOPE FOR RECHECK

The new county executive committee is determined to proceed with a recheck of the votes in Precinct 13 should an injunction not be allowed by Judge Broeter, Chairman Adams said Saturday.

"That is our duty under the law," Adams declared. "We are considering going into court in an effort to force the old committee to turn over the election records to us should the restraining order not be granted."

E. M. Brownlee, a member of the committee, said he is considering requesting the state investigating committee headed by Sen. A. M. Aikin of Paris to look into the situation here.

"I cannot do that now because I am restrained by court order," Brownlee said Saturday, "but I may do it soon as possible."

At a late hour Saturday Judge Broeter had not received the order for the hearing. He said, however, he would hold it provided the necessary papers arrive.

"I had not planned to be here Monday since I have been holding court in Starr County, but this matter is of such importance that I will proceed at the stated time," Judge Broeter said.

SEP 21 1948



—The Times Herald Staff Photo.

AS BALLOT BATTLE BEGAN—This is the general scene in the Federal courtroom in Fort Worth Tuesday as Coke Stevenson and Lyndon Johnson appeared before Judge T. Whitfield Davidson in their dispute over the Texas senatorial race for a Democratic nominee. Stevenson is shown by arrow in foreground and Johnson is shown by arrow in right background.

Put Johnson, Coke Both On Ballot, Judge Suggests

By JAMES V. LOVELL

The Times Herald Staff Correspondent
Fort Worth, Sept. 21—Judge T. Whitfield Davidson immediately before recessing court at 12:30 p. m. Thursday in Coke Steven-

son's suit to keep Lyndon Johnson off the ballot, voiced a plea that counsel for both men get together during the noon recess and reach an agreement that both names go on the ballot Nov. 2.

Lyndon Johnson said only "no comment" on the federal jurist's suggestion, while Stevenson said he "would be very happy to follow the judge's suggestion. I think it's a good idea."

Close Vote.

Judge Davidson said that because of the close vote (Johnson was declared the winner by 87 votes) there always would be doubt in the minds of many as to who actually was the winner. "The winner will in all likelihood be a one-termer," Davidson said, "because of the bitter enmities incurred by the close vote. No one-termer can become a great senator. The only manner in which this can be solved to the satisfaction of the people of Texas is by allowing both names to go on the Nov. 2 ballot."

The judge stipulated that his remarks not appear in the official court record.

Nomination at Stake.

At stake is the Democratic nomination to the U. S. Senate, a post to which Johnson has been certified by the Democratic State Executive Committee and convention. He was declared the winner of the August primary by a margin of 87 votes.

Speaking first, Moody corrected Judge Davidson's preliminary reference to the case as "an election contest." Moody's argument was that Stevenson's rights as a citizen qualified to run for the Senate had been violated by illegal and fraudulent voting in Jim Wells and Zapata counties. Because the senatorial post was created by the constitution, a federal court possesses jurisdiction to hear any action involving denial of a citizen's rights in seeking such office.

Judge Crooker responded that the case is "nothing more than an election contest," that Judge Davidson's court lacks jurisdiction in the action and that Johnson is asking the judge to dismiss the temporary order now preventing placement of Johnson's name on

the ballot for the general election in November.

In the original motion, filed by Stevenson's attorneys, it was alleged that fraudulent votes in Jim Wells and Zapata counties resulted in Johnson winning by 87 votes in the Aug. 23

Appeal Expected.

Whichever way Judge Davidson rules Tuesday, after hearing preliminary arguments, the losing side is expected to carry an immediate appeal to the Supreme Court. Neither Johnson nor Stevenson would relish another bitter write-in campaign prior to the general election in November.

Should Johnson win through the courts, Stevenson's spokesmen have promised to carry the dispute to the Senate itself, which has final jurisdiction over its membership. For his part, Johnson will cite the potential decision of the Senate in pleading here Tuesday that the court should dissolve its temporary writ. Tuesday's court action is the latest phase of Texas' most closely contested political race.

More than 70,000 votes behind Stevenson in the first primary, Johnson conducted a flying campaign during the runoff and in the second election pulled ahead of his opponent. In unofficial counting of the Aug. 28 ballots the lead whipsawed back and forth between the candidates, with Johnson holding the final lead in unofficial tabulations.

Order Secured.

Stevenson didn't wait for the official party canvass, but on the eve of the Democratic convention here last week went into State District Court in Jim Wells County to ask for a recount of

The judge called court to reconvene at 1:30 p. m. He added that if the parties do not follow his suggestion, there will be no prejudice on his part in hearing arguments.

"Blood Cousin."

During opening statements, Judge John Crooker of Houston, attorney for Johnson, referred to Arthur Stevenson, Dallas County Executive Committee chairman, as a "blood cousin" of Coke Stevenson, and said that Coke Stevenson had not come into court with "clean hands" in contending

that irregular voting practices had deprived him (Stevenson) of his rights.

Crooker referred to five sets of returns from Dallas County and said they progressively increase the number of votes credited Stevenson.

Under dispute as the hearing began was jurisdiction of Judge Davidson's court.

Judge Davidson invited the opposing attorneys to state their views on this point as soon as court convened at 11 a. m. An audience that filled the room and overflowed into the hall listened intently as former Gov. Dan Moody argued on behalf of Stevenson, and Judge John Crooker of Houston spoke for Johnson.

Stevenson's spokesmen are expected to plead for permanent extension of the injunction and a hearing based on merits of the charges.

Johnson's lawyers are expected to contend that Stevenson has not exhausted the specified remedies available to him in the state courts, that the federal district court lacks proper jurisdiction at this time, and that the U. S. Senate itself is the final authority. The time element, a major factor in consideration of the case, will influence Johnson's counsel in the courtroom tactics they follow here.

At this time the Democratic party has no senatorial candidate on the November ballot, while the Republican nominee, Jack Porter of Houston, has been placed on the ticket by Secretary of State Paul Brown. Johnson's attorneys fear that a prolonged hearing in Judge Davidson's court will keep the Democratic nominee's name off the ticket.

District Court in the city to ask for a recount of returns from one precinct. Johnson, in turn, secured a temporary restraining order which was made permanent the day the state executive committee met.

Free to act, the committee canvassed the returns Sept. 13 and found that Johnson's official lead was 87 votes. The following day the convention certified Johnson as Democratic nominee for the Senate. The following morning, Connie Renfro of Dallas, acting for Stevenson, went to Judge Davidson's summer home near Jefferson and secured an order temporarily restraining certification of Johnson. This later was amended to restrain the secretary of state from putting Johnson's name on the ballot.

Sunday, August 29, 1948

Stevenson, Johnson Race Toward Hot Photo-Finish

By ALLEN DUCKWORTH

Texas' United States Senate race looked like a photo-finish at 11 p.m. Saturday.

Former Gov. Coke Stevenson had a slight edge, but Congressman Lyndon Johnson threatened to overtake him.

Stevenson had only 50.50 per cent of the votes accounted for when the Texas Election Bureau issued its 10:30 p.m. total.

At that hour, the bureau gave Stevenson 378,421 votes to Johnson's 370,923.

The closeness of the vote recalled the 1941 Senate election in which Johnson was nosed out by W. Lee O'Daniel. On that count, Johnson led for two days after the election, only to lose by less than 2,000 votes.

GETS STRONG START

Stevenson was off to a strong start when the first scattered returns were counted. He had 56 per cent of the vote at 6:30 p.m. But that included his large majority in Houston and Harris County.

From that hour on, with each succeeding total, Johnson showed a strength that pared the Stevenson lead.

At 10 p.m., it became a real nip-and-tuck affair, when Stevenson held on with slightly more than 50 per cent of the vote.

Stevenson carried Dallas and Harris County (Houston).

Harris was one of the prizes both candidates had fought over in the runoff. It was the symbol of the big block of Peddy votes in the

Congressional District seemed to be going for him heavily, with the possible exception of Washington.

Henderson County (Athens) and Cherokee County (Rusk) switched from Stevenson to Johnson.

Johnson again swept such Rio Grande Valley counties as Webb, LaSalle, Zapata, Jim Hogg, Hidalgo and Cameron. He added Dimmit in that region—a county he lost to Stevenson last month.

The 60-year-old former Governor won Peddy's precinct in Harris County by 585 votes to Johnson's

his technical status is merely that of Democratic nominee.

Texas Republicans put out a feeler to Sen. W. Lee O'Daniel at their state convention early this month. In search of a strong candidate, they offered to hold open the GOP nomination for him.

Senator O'Daniel has been sending out form letters to his friends, however, that seem to count him out of politics this year.

FAMOUS LINE RECALLED

The Democratic nominee, selected in Saturday's voting, will join a famous line of Texas Senators in what is known as the Houston Succession.

Gen. Sam Houston became a United States Senator on Feb. 21, 1846.

Those who have succeeded Houston in the Senate include Richard Coke, Horace Chilton, Joseph W. Bailey, Morris Sheppard and W. Lee O'Daniel.

This summer's campaign marked the second time that Congressman Johnson has made a bid for United States Senate. He ran against O'Daniel in the special election of 1941 to select a successor to Senator Sheppard, who had died in office. O'Daniel defeated Johnson by fewer than 2,000 votes.

Johnson did not forfeit his place in the House by being a Senate candidate then, because it was a special election. This time, however, he could not be a candidate for the House and Senate at the same time.

If Johnson loses Saturday's election he must retire to private life for two years at least—unless death or resignation should provide a special election or he be given a governmental appointment.

Eleven candidates announced for senatorial nomination this year.

Stevenson led the field in the July first primary, carrying 168 of Texas' 254 counties. But he did not have a majority—more votes than all opponents combined. It was necessary for him to have a runoff with the second man, Johnson, who carried seventy-two counties.

PERSONALITIES CONTRAST

Both campaigns were a contrast in personalities.

Johnson pulled a surprise by hopping around the state in a helicopter, often talking to farmers and folks on country squares while his strange machine hung over them.

But Stevenson made few speeches and concentrated on shaking hands with as many persons as possible.

Throughout the first primary, Stevenson declined to notice his opponents, although they criticized him in harsh language.

Johnson opened up on Stevenson again in the second primary campaign. It was not until the last two weeks of the race that Stevenson struck back. Then it became a lively exchange, with the rivals accusing each other of about the same things. Support of labor bosses and radical elements was claimed.

The final week was marked by spectacular invasions of the big cities by Johnson. His supporters organized caravans to meet him at urban airports and escort him through downtown streets. Thousands of cards and campaign folders were circulated on the streets, at rallies and through the mails for Johnson.

COKE TRAVELS IN CAR

Stevenson didn't even put a sticker on his own car—a modest Plymouth driven by his 1-armed nephew, Bob Murphy.

Last appeals were made by the candidates Friday night. Johnson spoke at a rally in San Antonio, where Stevenson led him in the first primary. Stevenson made a radio address from Austin.

With his famous pipe in his mouth, Stevenson voted at the village of Telegraph in Kimble County shortly after noon. At Junction, near his ranch, he dropped in to see his mother, Mrs. Virginia Hurley Stevenson, who told her son of reports that he was leading, 5 to 3, in early Houston returns.

"I wonder if there could be some mistake," Stevenson asked modestly.

The 40-year-old Johnson, who marked his twoscore birthday Friday, spent part of the day in San Antonio, then proceeded to Johnson City, in Blanco County, to vote. Saturday night he listened to election returns at his Austin residence.

Both candidates predicted victory in their speeches over state-wide radio hookups.

Stevenson predicted "an overwhelming" majority.

Johnson said, "We're coming round the mountain and we're winning."

162. Peddy declined to give a public expression of support to either runoff candidate, although his East Texas brothers, in Shelby County, backed the Congressman. Johnson carried Shelby County.

REVERSAL IN GREGG

Stevenson scored a reversal in Gregg County (Longview, Kilgore and Gladewater).

Johnson carried the East Texas county in the first primary but Stevenson was way ahead there Saturday night.

The Congressman who marked

his fortieth birthday Friday night, on election eve, was taking all of the West Texas counties he carried in the first primary—Wichita, Clay, Montague, Hooker, Lubbock, Haskell, Throckmorton, Stonewall, Jack and others. In addition, he moved in on former Stevenson counties such as Cottle, Shackelford, Hardeman, Brewster, Irion, Tom Green (San Angelo) and Coke.

Winner of Saturday's primary seems set aim of election, although

The Vote

(Copyright, 1948, Texas Election Bureau.)

Returns to the Texas Election Bureau at 11 p.m. from 229 out of 254 counties in the state, including 111 complete, show the following totals for candidates in Saturday's runoff election.

Senator.—Johnson 422,905. Stevenson 428,066.

CONGRESS: District 7 (12 Counties).—Returns from 11 counties, 5 complete: Patton 24,110; Pickett 24,024.

District 10 (10 Counties).—Returns from 10 counties, 5 complete: McClain 14,759, Thornberry 29,522.

District 15 (13 Counties).—Returns from 12 counties, 6 complete: Bentsen 29,300, Kazen 20,079.

CIVIL APPEALS: District 11 (22 Counties).—Returns from 17 counties, 10 complete: Collings 27,160, Dabney 20,072.

County-by-County tabulation on Page 10.

first primary. George Peddy, Houston lawyer, had led there, with Stevenson second. When Peddy was eliminated as third man in the July first primary, both Stevenson and Johnson went after his vote.

PEDDY VOTE SPLIT

The Harris returns did not assure Stevenson of a swing of Peddy votes, however. Johnson carried Panola, Shelby, San Augustine, Sabine and Waller—all former Peddy counties.

These later returns put a deep dent in the Stevenson lead.

By 10 p.m., three hours after the polls closed, it was evident that the Senate contest would be a close finish.

Dallas County went heavily for Stevenson, as did surrounding counties of Denton, Collin, Rockwall, Kaufman, Johnson, Hill and Navarro.

Stevenson led in Tarrant County (Fort Worth).

Johnson's strength was in his ability to hold the counties he carried in the first primary, and to add a few more.

He reversed the San Antonio vote. Stevenson had carried Bexar County in the first primary, but Saturday night returns favored Johnson.

Again Johnson copped such big counties as Waco, Beaumont, Corpus Christi and Abilene.

He apparently took El Paso away from Stevenson.

Every county of Johnson's Tenth

BALLOTS IN TEXAS REPORTED BURNED

Investigators, Impounding Primary Boxes in 8 Counties, Hear of Destruction in One

Special to THE NEW YORK TIMES.

WASHINGTON, Oct. 27—Senator William E. Jenner of Indiana, chairman of the Senate Campaign Investigating Subcommittee, ordered today the impounding of ballot boxes in eight more Texas counties figuring in the nip-and-tuck Senatorial run-off in which Representative Lyndon B. Johnson defeated former Gov. Coke Stevenson in the Democratic primaries.

The order was on request of Mr. Johnson. Committee attaches did not know tonight whether it had come too late. Although tonight was the deadline for retaining the ballots, reports came from Texas that the ballots cast in one of the counties already had disappeared. B. Nelson Deranian, committee counsel, expressed confidence, however, that the other ballots would be preserved for investigation.

Mr. Stevenson asked for the investigation after Mr. Johnson had won the run-off in August. He also urged Texas Democrats to vote for H. J. Porter, the Republican nominee. In line with the Stevenson request, the committee investigating staff ordered the impounding of ballot boxes in Jim Hogg, Starr, Jim Wells, Duval and Zapata Counties.

With this investigation under way, Mr. Johnson asked the committee to impound the ballot boxes of all of the 252 counties participating in the primaries. Mr. Deranian said that a suggestion of fraud in each county would be necessary for such a seizure of all ballots. Mr. Johnson specifically named eight counties, Brown, Dallas, Harris, Galveston, Clay, Eastland, Wharton and Chambers.

In correspondence with the committee, Representative Johnson

stated that there was information, if not proof, that in Galveston County some 2,000 ballots had been cast illegally, including the voting of names from tombstones. Election officials in Harris County, he said, had refused to count 100 absentee ballots supposedly cast for him. He said there were reports that "changes" had been made after the polls closed in Eastland, Wharton and Chambers Counties, and that Clay County had a large share of ballots cast illegally.

Not having time, in the light of the legal deadline for preserving ballots in Texas, to get actual subpoenas to the Southwest, Senator Jenner, the chairman, requested that the ballot boxes in the eight counties named by Mr. Johnson be preserved.

It appeared, according to Mr. Deranian, that the investigating committee would not be able to complete its investigation before the Senatorial election.

The committee staff did not appear to know what it would do about Duval County. Senator Jenner said:

"I have been informed informally by our investigators that records in Duval County and Precinct 13 of Jim Wells County were destroyed before the arrival of the investigators."

In the August run-off the returns from Duval County indicated that Representative Johnson had received 4,622 votes and Mr. Stevenson 40.

Burning Is Laid to a Mistake

ALICE, Tex., Oct. 27 (AP)—W. S. Johnston, Republican county chairman of Duval County, said he had learned that the primary election records were burned Oct. 20. He said he was told that a janitor burned them by mistake—through a misunderstanding as to when they were to be destroyed.

Senators Order Texas Primary Ballot Lockup

Plan 13-County Inquiry in Fraud Charges Made by Johnson and Stevenson

WASHINGTON, Oct. 27 (UP).—A Senate elections subcommittee today ordered Democratic primary ballots in thirteen Texas counties locked up so it can investigate fraud charges filed by two Senate candidates.

Senator William E. Jenner, Republican, of Indiana, chairman, said that election records had been destroyed in two counties before committee investigators could get to them.

Sworn charges of the "probable existence" of fraud in eight counties were received from Representative Lyndon B. Johnson, the successful contender for the Democratic nomination; Senator Jenner said. The committee had previously received complaints of fraud in five other counties from his defeated opponent, former Governor Coke Stevenson.

The House Campaign Expenditures Committee, meanwhile, disclosed that it is sending investigators into Pennsylvania, Kentucky, Tennessee, Rhode Island and California to look into "alleged campaign irregularities."

The House group said a subcommittee will open hearings in

Detroit tomorrow into Republican charges that Michigan Democrats are illegally trying to "blackjack" campaign contributions out of Federal employees in that state.

The Senate committee is already investigating Republican allegations of Democratic wrongdoing in Senate races in Oklahoma and New Mexico.

Representative Johnson asked the committee to seize ballots throughout Texas, but Committee Counsel B. Nelson Deranian said that would be done only in counties where specific fraud charges were made.

Mr. Deranian said committee investigators learned of the ballot destruction after arriving in Texas on Monday night. He said all ballots were destroyed in Duval County and in Precinct 13 of Jim Wells County, two of the five in which Mr. Stevenson charged there was fraud.

A janitor dumped the Duval County ballots into a wastebasket and burned them Oct. 19 while moving the ballot boxes into the County Clerk's office for next Tuesday's general election; it was

reported in San Diego, Texas. County Democratic Chairman Campbell King said he did not know anything about it until a Senate investigator told him. He added that the ballots would have been destroyed legally this morning anyway because Mr. Stevenson "had filed no contest with the state election committee as regards this county."

Mr. Deranian said the official tally in Duval County before the records were destroyed showed Mr. Johnson receiving more than 4,000 votes to only 40 for Mr. Stevenson.

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EYE ON CONVENTION

'Didn't Buy Votes,' Johnson Declares

AUSTIN, Texas, Sept. 6 (AP).—Lyndon Johnson in a radio speech Monday night said that he "did not buy anybody's vote" in the runoff Democratic Primary race for the United States Senate.

Johnson, leading Coke Stevenson by 162 votes on the basis of the latest unofficial count in the photo finish race, urged his friends to attend the State Democratic convention next week "to see there is fair play" when the official tabulation is made.

Johnson warned that there may be an "attempt to thwart the will of the people" at the convention.

Johnson said that a friend of his opponent on the committee had sent telegrams to other committee members urging them to attend the meeting and to use all their influence for Stevenson.

"When they talk about influence it is time to see that the letter of the law is followed by the committee," Johnson said.

He said that the sole duty of the committee "is to tabulate the returns and certify the votes."

Johnson said that "always before," in previous state-wide races,

Stevenson had accepted the vote from Duval County.

He said that after the big city votes were in and he (Johnson) began to gain "charges began to fly from the losers" and there was talk of bloc votes in certain counties.

He said that if Stevenson had evidence before that the "vote was for sale" in Duval County "it was his duty to present it to the grand jury."

"Lyndon Johnson did not buy anybody's vote," he said.

Then he told how the vote had gone in that county in many past elections, naming candidates who had benefitted by it. He said he did not think the many distinguished Texans who had won big majorities there would be guilty of anything like buying votes.

This part of Johnson's speech which he was revising until a few minutes before he went on the air—referred to a statement issued a week ago Sunday by Stevenson. Stevenson had said in part:

"I didn't expect to get a majority of votes in any county where bloc votes are reputed to be for sale."

in a close political campaign, or in any of the so-called influence counties or in any machine county."

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

OTHER 'BLOCS' NOTED

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

"You weren't told of the bloc vote in a box behind the locked gates of 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."

"Nobody has asked for an investigation of the Panhandle County where I got just twelve votes or from the River Oaks box of Houston where Stevenson got eight out of every ten votes cast," Johnson said.

Johnson was on the air eight minutes. His wife concluded the broadcast.

Johnson said he was making his report as the man "for whom a majority of the people voted" in the Senate race.

"I shall spend the next six years justifying your faith and confidence," he said.

He said that when he lost the Senate race by 1,311 votes in 1941, "I accepted that close decision," having always been taught that a good sportsman always accepted the umpire's "decision on close ones."

VETERANS COLLECT FIGURES

Johnson said that he knew the official figures in the primary were the only ones to be relied on, and that ten young veteran friends of his volunteered to obtain the official votes from county chairmen.

"We were sure by Tuesday night that the official results would show in my favor," Johnson said.

The hue and cry (about Duval County) has taken "so many, many years to develop," Johnson said, continuing:

"During all these years, the newspapers have complacently reported the vote from that county, year after year."

"My opponent has accepted that vote. 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 the 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 vote. Mr. Stevenson carried this county in his first state-wide 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 seventy-seven votes. In 1944, for re-election, he got all but seventeen votes."

Other candidates who had received big majorities there, Johnson said, included Dan Moody, Ross Sterling, W. Lee O'Daniel, Beauford Jester, Morris Sheppard, Tom Connally, C. M. Cureton, F. L. Haw-

kins, Price, Daniel, Pat Neff, Ernest O. Thompson.

"This is the first time anyone has cried votes for sale," Johnson said.

"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."

Coke Confers On Vote Fight

First Appeal Might Go To Executive Committee

By RAY OSBORNE
Austin Bureau of The News

AUSTIN, Texas, Sept. 5.—Coke Stevenson and his advisers conferred Sunday on a possible State Democratic Committee fight to overcome the unofficial lead Lyndon Johnson now holds in the close United States Senate race.

There was no formal announcement from Stevenson's headquarters about the strategy. But this much was learned: The former Governor and at least half a dozen advisers explored every possible avenue for continuing the battle, even though Johnson may have the majority on the basis of votes to be certified by Texas' 254 counties.

(Johnson's lead is 162 votes, according to the Texas Election Bureau in Dallas, an unofficial vote counting agency. The lead was

given Saturday night on the basis of a mixture of official returns from county Democratic executive committees and unofficial returns. The totals were Johnson 494,158 votes and Stevenson 493,996.)

First round of a legal fight is almost certain to come before the State Democratic Executive Committee when it meets Sept. 13 to canvass the election returns.

POSSIBLE NEXT STEP

The next step might be an appeal to the State Democratic Convention the following day. Both the committee and the convention will meet in Fort Worth.

Gov. Beauford Jester holds an important spot in the primary election dispute.

At least one Stevenson lieutenant already has asked the Governor to order an investigation of the lopsided Duval County vote whose majority of votes puts Johnson in the lead at this time.

Too, Jester may control the state committee which has final say on certification of party nominees.

Representatives of both senatorial camps have talked to the Governor since he returned Friday from an oil meeting in New York. Congressman Johnson would not reveal Sunday afternoon the details of a conversation he had with Jester earlier in the day.

But the Governor himself confirmed reports that he had talked with both Stevenson and Johnson. When questioned about his meeting with the Governor, Johnson said "I still don't want to say anything."

"Both wanted a fair canvassing committee," said Jester. "I told them I thought it should be equal with an additional member to be a fair and judicious person."

The candidates differ in their opinion on the composition of the canvassing committee. Stevenson thought it should have six members and Johnson said five.

Jester pointed out that he did not know if the state executive committee or the Democratic state chairman appointed the canvassing group, but he would have a study made of the laws.

"If Chairman Calvert (Robert Calvert of the state executive committee) confers with me," Jester said, "I will tell him I know he will name a fair and judicious committee of an equal number, letting each candidate nominate two and that he will appoint one other who will be judicious and fair."

Of the conversations he has had with the two rival candidates, first Stevenson and then Johnson, the Governor said:

"I told both of them that the Governor has been doing a good job of listening. I am just back from New York and I want to investigate further before committing myself. Until then I am taking no part in the matter."

JESTER QUESTIONED

A newspaper reporter asked Jester his opinion on whether the executive committee could do more than merely canvass the returns and certify the results.

"I have no opinion," he replied, "that is a matter for the Attorney General to consider."

Jester said he had not asked for such an opinion, adding "But if either of the candidates asks for an opinion I will ask for a copy of it."

Atty. Gen. Price Daniel pointed out that the candidates do not have the legal right to ask for an Attorney General's opinion. Only certain officials such as heads of state departments, county and district attorneys, can do so. Included among those who may ask official opinions from the Attorney General is the Secretary of State. He is the one of the governor's official family charged with election matters.

(Lyndon Johnson said at Austin Sunday that his radio speech at 7:30 p.m. Monday would tell the people "what has been going on and what the outcome will be," according to the Associated Press. He did not elaborate on that statement.)

sign the door room
Fort Worth Star-Telegram
Sept. 22, 1948

Johnson Counters Rival, Challenges Vote Validity

Democratic senatorial nominee Lyndon Johnson Tuesday apparently had lost his effort to get Federal Judge Davidson to dismiss an injunction suit for want of jurisdiction but he quickly erected another legal hurdle for Coke Stevenson, defeated candidate who brought the suit.

Although Judge Davidson had overruled Johnson's motion to dismiss, he still was hearing arguments on the matter when court recessed at 5 p. m. and stated he would continue to do so when court resumes at 10 a. m. Wednesday.

The next order of business will be the new Johnson filing in the case. The heart of the "opposition to granting the temporary injunction," prepared by former Governor Allred, alleges that Stevenson "does not come into court with clean hands" by virtue of illegal votes in several Texas counties.

Basis for Stevenson's injunction suit to substitute his name for that of Johnson on the general election ballot is an allegation of election irregularities in Jim Wells and Zapata Counties.

The latest Johnson filing alleges that the certificate holder can show that in one county Stevenson received 1,102 illegal votes, "more . . . in one county than he claims this defendant received in both Jim Wells and Zapata Counties. The condition was revealed by a contest in another race, the motion states.

It continues that in another county, Stevenson received hundreds of illegal votes as a result of five different returns made by a cousin of Stevenson, who held the county chairman's post.

Another allegation was that in a third county Stevenson benefited by "tombstone votes and votes by prostitutes who had left the city." Grand jury indictments have been returned in the latter county, the motion specifies.

Former Governor Moody lead-

Supreme Court decisions on such matters place jurisdiction in state and not federal courts.

Stevenson's battery of volunteers also held that state courts could not hear his claim because of the time element involved. Oct. 3 is the date for the ballots to be in the hands of county election boards and Oct. 13 is the starting time for absentee balloting.

Attorneys for Secretary of State Brown, Vann Kennedy, secretary of the State Democratic Executive Committee; Tom Tyson, permanent chairman of the Fort Worth state Democratic convention, and for the Blanco County election board asked the court for relief from the temporary restraining order as soon as possible. The order prevents the men in their various capacities from placing the name of Johnson on the ballot.

ing the Stevenson battery of legal talent, promised Judge Davidson that he would present testimony "that will affect thousands of votes" during the debate Tuesday.

Waiting in the adjoining U. S. marshal's office were more than 20 residents of Jim Wells and Zapata Counties. Stevenson attorneys said they hoped to place them on the witness stand.

Johnson rejected and Stevenson agreed to an "off the record" suggestion by the judge Tuesday noon that both of their names go on the general election ballot if such a procedure were possible.

In making his proposal, Davidson, a former lieutenant governor of the state, pointed out to the two men that the present con-

troversy could easily result in such solid opposition to the man finally obtaining the office that he would be "a one-term senator."

One of Stevenson's main points in the debate Tuesday was that he was coming into court not only as a candidate in the race but as a voter seeking to prevent cancellation of his vote by fraudulent returns.

Johnson's volunteer attorneys' principal argument was that political, not civil rights, were involved that the matter is purely an election contest and that all

Coke to Seek Court Order In Wells Vote

By RICHARD M. MOREHEAD

Austin Bureau of The News

AUSTIN, Texas, Sept. 12.—Coke R. Stevenson will ask Monday for a court order to make Jim Wells County returns in the Aug. 28 senatorial race available to the county Democratic executive committee.

This will be Stevenson's reply to a temporary restraining order issued by District Judge Roy C. Archer of Austin at the request of Candidate Lyndon B. Johnson. Judge Archer's order, which will be heard before District Judge L. Broeter in Alice Monday morning, restrains the Jim Wells County Democratic Committee from attempting to eliminate any votes on any grounds.

Stevenson will ask Judge Broeter to enter a declaratory judgment authorizing the county Democratic executive committee to obtain the returns made by the election judge and "to make a true and correct certificate showing the votes actually received by each candidate, and authorizing the said committee to forward such certificate to the state Democratic committee as the law directs."

He further wants the court to require the tally sheets, poll lists and voters' lists used in the Aug. 28 runoff be made available to the county Democratic executive committee.

Stevenson claims that he received a majority of all votes legally cast in the recent United States Senate race from the various counties.

The principal argument over the Jim Wells County returns concerns 203 votes reported from Precinct 13 after most of its votes already had been reported. The precinct's final tally gave Johnson 967 votes to Stevenson's 61. The last return added 202 votes for Johnson to 1 for Stevenson.

participate in the convention unless he is a loyal Democrat and will support the nominees of the party."

He added that "some means will be found of finding out" whether or not delegates were loyal.

Skelton also insisted on a purge of electors who were not committed to party loyalty, asserting those who had not committed themselves "to support the nominees of the party will be replaced to assure the Truman-Barkley ticket of Texas' vote."

Of the twenty-three electors, he said, four have not replied to Chairman Robert W. Calvert's questionnaire on party loyalty and two have refused to answer.

There will be no further questioning of them, he added. Those who have not replied are assumed not to be supporting the Truman-Barkley ticket.

On Monday night the party loyalists will hold a rally here. Skelton predicted it would "produce some suggestions" on floor strategy.

Calvert met with the credentials subcommittee for the last hour of its two-and-one-half-hour closed session at which it debated the decision on the delegations.

HEARINGS ENDED

Dickson did not disclose whether or not the subcommittee was inclined to act on the protests on the basis of delegations as a whole or on individual members.

Hearings by the committee were completed Sunday. The last two heard were from Stephens and Montague Counties.

Previously, the committee had heard opposing delegations from Harris, Harrison, Tarrant and Dallas.

The Stephens County contest was filed after a group of loyalists left the county convention under the leadership of Frank S. Roberts of Breckenridge. States' Righters named J. G. Harrell as their chairman, but D. T. Boles, county chairman, refused to certify the Dixiecrat delegates.

Roberts argued that Democrats

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should "stick to the horse trade they made at the Brownwood convention, even if "they made a bad bargain."

States' Righters, he said, should "join their own party where they

can earn respect for having their own convictions."

The States' Righters party was officially created Wednesday in Dallas. It nominated the South-wide States' Rights candidates, Governors J. Strom Thurmond of South Carolina and Fielding H. Wright of Mississippi for President and Vice-President.

Mayor Robert R. Herring of Breckenridge, States' Righter, said his forces won control of the coun-

ty convention "by lawful means."

He added:

"The party pledge on the election ballot is applicable only to the support of those whose names appear as candidates. Our convention asked that the names of two other persons be put on the Aug. 29 ballot in order that they might be voted on.

"The privilege was denied, and we accede to the ruling. But we do

not feel any lack of loyalty because we voted our will in the county convention."

A contest in Montague County failed to materialize. A. V. Grant of Saint Jo had filed a protest in behalf of States' Righters. He did not appear before the committee, however, and Paul Donald of Bowie, of the party loyalists' delegations made a statement contending the delegation had been validly chosen.

SEP 29 1948

Black Holds Lyndon Due Ballot Place

U.S. Supreme Court Justice Says Order Of Davidson Invalid

By WALTER C. HORNADAY

Washington Bureau of The News

WASHINGTON, Sept. 28.—Lyndon B. Johnson won a resounding victory in the Supreme Court Tuesday in his fight to get on the general election ballot as the Democratic nominee for United States Senator.

Associate Justice Hugo L. Black ruled that Federal District Judge T. Whitfield Davidson had no authority to interfere with a state election.

On this basis, he set aside Davidson's recent injunction barring Johnson from the ticket.

Black announced his action is subject to review by other members of the Supreme Court, but the full court will not consider the matter earlier than Oct. 4, when it convenes for the fall term.

FREE TO ACT

Meanwhile, the Texas Secretary of State will be free to place Johnson's name on the ballot and to certify him to county election officials as the Democratic nominee.

Former Gov. Coke R. Stevenson lost the Democratic runoff primary to Johnson by eighty-seven votes, according to the official count approved by the State Democratic Convention in Fort Worth.

Judge Davidson's injunction against Johnson was issued while his court investigated alleged election frauds in Jim Wells, Zapata and Duval Counties.

Former Gov. Dan Moody, Stevenson's attorney, said his next move will be to ask the full Supreme Court to consider Justice Black's action. He said he might ask the court to set aside Black's order.

Black announced his decision in an oral order decided on after more than three hours of hearing in his office. Moody and Johnson's five attorneys went into conference late Tuesday to agree on a written order.

Black said he will be ready to sign the formal order Wednesday.

The decision reached by Black was based entirely on the lack of authority of a federal court to go into a state election and on the need for quick action.

PUNISHABLE AS CRIME

Black commented it is true that "fraud, very reprehensible fraud" has been charged in Stevenson's suit in federal district court. But this fraud, he said, "is punishable as crime if the charges are sustained."

Former Assistant Interior Secretary Abe Fortas, one of Johnson's attorneys, earlier had told Black that he deplored fraud in an election.

"But for a federal judge to deprive a nominee of his rights is worse than for it to be done by some election judge in the Rio Grande Valley," he said.

Black explained his stand on the authority of federal courts to go into state elections with these words:

"It would be a drastic break with the past, which I can't believe Congress ever intended to permit, for a federal judge to go into the business of conducting what is to every intent and purpose a contest of an election in the state.

"It is impossible to believe that a federal court could go into a state and suspend the orderly process of an election."

Black declared the matter before him was of such "supreme public importance" that he had a responsibility to act.

He said he was not exactly ruling there was an abuse of discretion on the part of Judge Davidson, nor was he ruling on the lower court's jurisdiction in a narrow sense.

"Not only are the parties interested, but the whole State of Texas and beyond the state," Black asserted.

Moody argued that Stevenson and the voters had been deprived of civil rights by counting of fraudulent votes for Johnson. Black commented he had no doubt that the alleged fraud was covered by the civil rights statutes mentioned by Moody.

DOUBTS OF VALIDITY

But he asserted his doubts about the validity of an election without a Democratic nominee.

Justice Black adopted the unusual procedure of allowing newspaper reporters to sit in the hearings in his chambers.

Moody was Stevenson's only attorney at the hearing. Appearing for Johnson were five attorneys, most of them more or less prominent in the hey-day of the New Deal. They were former Gov. James V. Allred of Houston, former United States Atty. Gen. Thurmond Arnold; former Undersecretary of Interior Fortas; former Asst. Secy. of Interior Alvin Wirtz of Austin; and Hugh Cox, formerly with the Justice Department.

Moody bore down heavily on the allegations of fraud in Jim Wells, Zapata and Duval Counties that had been offered in hearings before Federal Judge Davidson.

Wirtz contended that Stevenson's suit was brought in federal district court "solely to prevent Johnson's name from going on the ballot."

"They are trying to dress up a political contest in abstract phrases of the law," Wirtz said.

He declared Judge Davidson had based his action on a provision in the North Carolina constitution and on a passage in the Bible.

Justice Black kept the opposing attorneys on needles and pins as his questions indicated he might rule for either.

Moody said Johnson's name could be ordered on the ballot by the Texas Supreme Court right up to election time. He described the action of Judge Davidson's court as "setting out to prevent the reaping of a harvest from the perpetration of a fraud."

Moody startled Johnson's lawyers by declaring that the federal district court might have the power to put Stevenson's name on the ballot if sufficient evidence of fraud was uncovered.

"I would try to get a mandamus from the State Supreme Court to put Stevenson's name on the ticket if the federal court said he had been deprived of the nomination," Moody said.

MOODY DISAGREES

Moody disagreed with Black's statement that the whole matter got down to a federal court's deciding if one man or another candidate wins an election.

"No, the question is whether there was an honest count and certification," Moody replied.

Black wondered why Stevenson went to a federal court when he had the choice of a state court. The end result of either route was an election contest, he commented.

To Moody's statement that a federal court was Stevenson's only legal remedy, Black said:

"What about the Senate? The Senate is the judge of the qualifications of its own members finally."

Deals Morning News Sept. 22, 1948 JOHNSON DECLINES TO RUN RACE OVER

By ALLEN DUCKWORTH

Staff Correspondent of The News

FORT WORTH, Texas, Sept. 21

Lyndon Johnson turned down a suggestion from a federal judge here Tuesday to run the Senate race all over again, and challenged Coke Stevenson to an election fraud suit in state court.

Congressman Johnson's retort came while Federal Dist. Judge T. Whitfield Davidson heard arguments on the temporary restraining order Stevenson had obtained.

Johnson's plea for immediate dismissal of the suit was overruled by Judge Davidson.

The order is delaying the certification of Johnson to the general election ballot as the Democratic nominee for Senate.

COKE IS WILLING

Stevenson said he was willing to settle the case by having both his name and Johnson's put on the ballot in the November election.

No decision was reached on the restraining order Tuesday. Judge Davidson may reveal Wednesday whether he will hear Stevenson's allegations of election fraud in two Mexican border counties—Jim Wells and Zapata. If he should rule as Johnson pleads, however, the restraining order will be dissolved.

All-day arguments Tuesday centered around the Johnson counsel's attack on the jurisdiction of the federal district court.

Johnson lawyers did not reply to Stevenson's claims of fraud in two counties.

They said if there were fraud, the cases should be tried in state court, and the investigation should not be limited to two counties, but should be extended to the entire state.

The implication was that Johnson was prepared to bring as many fraud charges as was Stevenson.

CALLED CRUSADE

Former Gov. Dan Moody sparked the Stevenson case. He called it a crusade against stuffing the ballot boxes of Texas.

High light of the court day was Judge Davidson's informal suggestion that the candidates run it over.

Johnson replied that he had "a legal right to the nomination" and would not betray the "Democratic party and the Democratic voters of Texas" by bartering away his victory.

When court adjourned for the day, the fiercest election contest in Texas history stood this way:

Secretary of State Paul Brown still was enjoined by court order for certifying Johnson's name to

Accompanied by his wife, who wore a feather in her hat, Johnson entered the courtroom shortly before it was called to order. Eight attorneys were at his counsel table.

Spectators jammed the room an hour before the case was called.

United States Marshal Red Wright announced several times that there could be no smoking and coats must be worn.

Three former Governors were brought together by the hearing. There was Stevenson himself and Dan Moody, as his counsel. On the Johnson side was James V. Alford.

DALLASITES ON HAND

Several Dallas visitors were in the crowd of spectators, including Robert Clark, brother of Atty. Gen. Tom Clark; Texas House Speaker W. O. Reed, and Cyclone Davis, who was defeated in the first primary as a candidate for Senate.

The bearded Davis posed for WBAP's television camera. For once in his stormy, but unsuccessful political career Davis appeared a bit shy.

Davis was present in behalf of his own effort to get on the Nov. 2 ballot. He has been turned down by the Secretary of State as a candidate of the newly formed Texas Pension party, along with the or-

ganization's other candidates. Davis wants Judge Davidson to tell the Secretary of State to put the pension candidates on the ballot. Brown has said the group did not qualify as a legal political party.

Johnson glanced several times in the direction of Stevenson, but the ex-Governor did not seek out the congressman with his eyes.

Moody announced that as Stevenson's counsel he was prepared to introduce in evidence affidavits and witnesses to show that "the ballot in one of the precincts" in Jim Wells County "was stuffed."

Too, Moody said, "votes were taken away from Mr. Stevenson and added to Mr. Johnson" in Zapata County.

For the record, he said, the returns from Duval County, which gave Johnson more than 4,000 votes to only 40 for Stevenson, would be put in the record as "evidence on their face" of fraud.

Moody traced his reasons for seeking federal court relief. He said the United States Constitution provided for the office of a Senator, and by amendment also set up the way a Senator should be elected.

The case is not, Moody argued, "in a strict sense an election contest."

"Under the Constitution a citizen has the right to become a candidate

the trial of the lawsuit. It was just a suggestion.

The candidates' attorneys leaned forward, some with almost unbelieving expressions.

"If this case goes on to the United States Senate, which it may, and one of these men is chosen as Senator, which one may be, then you will have the feeling, among some Texans, that this man won on a technicality," the Judge said.

Sentiment would be against the winner, Judge Davidson predicted. This sentiment would build up to an extent that the winner probably would serve only one term and be defeated for re-election.

A Senator needs more than one term to bring credit to his state, he declared, mentioning among others the great record of the late Morris Sheppard.

Friends of both candidates should get together, Davidson suggested, and have the names of Stevenson and Johnson put on the November general election ballot in an effort to elect one or the other by a large majority.

Attorneys for Stevenson, Kennedy and Brown were there.

Harry M. Harris, appearing for Tyson, and Cecil E. Burney, for Kennedy, told the court that the two defendants merely had carried out their duties at the convention in signing the certificate for Johnson.

Joe R. Greenhill, Assistant Attorney General, appeared in behalf of Secretary of State Brown.

Everett Looney, Austin attorney who had been slated to appear as one of Johnson's attorneys, announced that he was representing the election board of Blanco Coun-

ty. W. E. Allen, veteran Fort Worth attorney, followed Moody to deplore the state of politics in South Texas.

"We can't with good grace criticize the Hague machine, the Pendergast machine and the Kelly machine," he said, in face of some conditions in Texas.

Cofer closed arguments for Johnson, still attacking jurisdiction.

He did not affirm or deny the Stevenson charges of fraud in Jim Wells and Zapata Counties.

Cofer asked why the persons who might have been guilty of fraud

were not named parties to the suit, rather than persons that Stevenson does not accuse of wrongdoing.

He said the petitions filed by Stevenson did not accuse any of the Democratic convention officials, or Johnson, or the Secretary of State, or any of the county election board members of having anything to do with the alleged irregularities. So why, he asked, are they made defendants?

Tyson and Kennedy were made parties, Cofer said in an arm-waving speech to the court, for doing only what they were required to do by law.

Judge Davidson adjourned court shortly after 5 p.m. until 10 a.m. Wednesday.

Immediately after the noon recess was ordered, Stevenson announced:

"I'm willing to run it over."

Said Johnson: "No comment."

When court reconvened, Moody rose to say he had been authorized by Stevenson to say "he is willing to dispose of the entire controversy in the manner suggested by your honor."

Crooker presented Johnson's reply to the informal suggestion:

"I received a majority of the

votes in the Democratic primary election of Aug. 28, 1948," Johnson's statement said.

"I have a legal right to the nomination and to have my name on the official ballot."

"To voluntarily barter away that right would be to stultify myself and result in a betrayal of the Democratic party and the Democratic voters of Texas."

The statement Johnson prepared

the congressman's home council since election boards were named the suit in an attempt to prevent the printing of Johnson's name on the ballot, Looney thus rounded at the representation for the several defendants. Looney said the court had no jurisdiction over the election boards since they were carrying out laws of the state and "a suit against the State of Texas needs authority of the Legislature of Texas." Davidson indicated he would proceed to hear complete arguments. Crooker said the Johnson counsel was not prepared to argue the case on its merits, so confident were they that Judge Davidson

SEE HERE, VERONICA
I'VE GOT TO SAVE

Also parties to the suit were all the election boards of the 254 Texas counties.

There were enough lawyers in federal court to make up two football teams with reserves to spare.

Defense attorneys were there to represent Johnson and Brown; the Blanco County election board; Tom Tyson, who was chairman of last

week's Democratic convention that proclaimed Johnson the nominee, and Vann Kennedy, state Democratic secretary and secretary of the convention.

INJUNCTION SOUGHT

Stevenson attorneys want the temporary restraining order made an injunction. Johnson lawyers ask that it be dissolved altogether. It was evident that Stevenson also wants an opportunity to introduce affidavits and witnesses in an attempt to prove voting illegalities in Jim Wells and Zapata Counties.

Several witnesses, brought to Fort Worth by Stevenson's attorneys, waited in hotel rooms. They were said to be residents of Jim Wells County. At least three were Latin Americans.

While Stevenson spokesmen told the court that conditions in some sections of Texas rivaled the political grip of big-city northern machines, Johnson men continued to ask why suit was not brought against the alleged culprits instead of public officials carrying out legal duties.

Both senatorial rivals were in the courtroom when the case was called.

Stevenson, wearing a tan double-breasted suit, arrived first, and went into conference with his battery of ten attorneys.

and the right to have the votes cast legally and counted honestly and with no stuffing of the ballot box."

After asking the court to cancel the certificate of nomination that has been issued to Johnson, Moody declared:

"This is a crusade for honesty in the ballot box and protection of the people in their choice.

"It is to protect not only the plaintiff as a candidate—but as a voter."

John H. Crooker, Houston, made the opening arguments for Johnson.

He led off by asking dismissal of the suit because of lack of jurisdiction.

"It is no more and no less than an election contest," Crooker said of the Stevenson action.

Why not bring such action in state courts? Crooker asked. He spoke time and again for a protection of States' rights.

Crooker said the Johnson faction was just as anxious to protect the purity of the ballot as was Stevenson's group.

"A blood cousin made five distinct and separate returns," he told the court.

"Arthur Stevenson (Dallas County Democratic chairman) made them—all in favor of his cousin—Coke Stevenson."

Judge Davidson's suggestion that there be another election came just before he ordered a recess for lunch.

Almost in a whisper, he said that his remarks had nothing to do with

jurisdiction.

John Cofer, Austin attorney for Johnson, asked if the court intended to overrule a motion to dismiss the temporary restraining order. Davidson said that was right.

Allred rose to ask if he could file an opposition motion, and Davidson said that would be in order. Allred told reporters the opposition motion would show that Johnson could prove fraud also in some boxes that favored Stevenson.

Davidson finally decided to allow Johnson's lawyers an extended argument about jurisdiction.

While Crooker cited many cases to prove his claim that the contest is not a matter for federal courts, Johnson listened with his mouth open, and Stevenson rubbed his nose.

Moody spoke against dismissal of the case.

"The plaintiff (Stevenson) is not only a candidate," said Moody, "he was a voter."

"He had a right, like a million other Texans, not to have his vote canceled out by a vote put in the ballot box an hour or three days after the polls closed."

Moody attacked the Johnson contention that any fraud or election contest should be tried before a state court.

There isn't time, Moody said, for state courts move too slowly and the general election would be over before any decision could be reached. But he promised the Federal Judge:

"We expect to lay before this court testimony that will affect thousands of votes in this election."

"I decline to believe that the courts of the United States are impotent to detect fraud and punish."

during the lunch hour challenged Stevenson to a contest in the State District Court in Austin. "I will be prepared to show," Johnson said, "and will show, that

when he is deprived of all votes fraudulently and illegally cast and counted for him (Stevenson), my majority will be many times greater than shown by the canvass of the executive committee."

Stevenson Leads by 349, With About 40 Votes Out

By ALLEN DUCKWORTH

Coke Stevenson's lead in the closely counted Senate race stood at 349 votes Tuesday night—with only a few dozen outstanding.

The Texas Election Bureau has complete returns from every county with the exception of Borden.

Only forty votes, perhaps fewer, are missing.

This would mean that Stevenson had defeated Congressman Lyndon Johnson for United States Senate nomination if the unofficial returns stand up.

RESULT IN DOUBT

But that "if" is big. It is big enough to leave the final result in doubt. It means that the election still can swing either way when the official canvass of returns is made.

At 7 p.m., the election bureau had counted 988,761 votes. The score was Stevenson, 494,555; Johnson, 494,206. This was the final tabulation for Tuesday.

Here are some of the factors that prevent a forecast of the results:

1. There may be errors so far unreported in the county tabulations. Some already have come in. Others will be found without doubt. A major error could wipe out Stevenson's lead, put Johnson ahead. Or errors could increase Stevenson's majority. Errors have been found that favor first one candidate, then the other. That accounts for the variations in Stevenson's narrow lead.

MAY FAIL TO REPORT

2. In past years, there have been instances of a county's failing to make an official return after having made a report to the unofficial election bureau. The bureau's only aim is to get the news to the public. It has nothing to do with electing. Should a large Stevenson county fail to report its vote in time to be included in the official count, he might lose the Senate nomination, even though election bureau figures showed him ahead.

3. Although neither candidate has moved toward a contest of the election, that always remains a possibility in any close windup.

Should Johnson lose by a few hundred votes, it would be the second time he has been nosed out in his quest for a seat in the upper house. He ran against W. Lee O'Daniel seven years ago, lost the special election to the then Governor by a little more than a thousand votes.

The election bureau, which usually ends its unofficial count when a victor is apparent, will continue its vote survey Wednesday. The bureau quit counting Tuesday night

when it learned that the final Borden County vote could not be obtained until the next day. Even after that is in, the bureau will continue to verify its previous figures in an attempt to get a count as accurate as possible.

EVERYBODY CHECKING

Counties were checking and re-checking their vote totals more closely than ever before.

So were friends of the candidates. Every single vote counts in this close finish.

Some of the unofficial returns became official Tuesday. That came with meetings of county Democratic executive committees to certify formally the election results and file them with the party's state executive committee.

Although the Texas Election Bureau is a co-operative and unof-

ficial vote surveying agency, many of the reports in its Tuesday tabulation contained officially certified returns.

As final revisions, corrections and completions came in Monday and Tuesday, some of them helped Johnson. Others aided Stevenson. That accounted for the constantly changing margin by which Stevenson was leading.

Jim Hogg County, in Johnson's Rio Grande Valley stronghold, brought in ballots unaccounted for since Saturday night. That gave the Austin congressman a net gain of fifty votes on the Tuesday tabulation. Final total from Jim Hogg was Johnson 786, Stevenson 211. The missing votes added sixty-three to Johnson's total and thirteen to Stevenson.

Johnson also gained when Kent

County, West Texas, came in with more Johnson votes. He gained a net of five there.

ERROR ON EASTLAND

Typical of errors discovered was a transposition in the Eastland County vote. It was close. Earlier returns gave Johnson the edge, when Stevenson should have had a slight lead.

Such errors are not rare. This is how a transposition can occur: The Texas Election Bureau distributes printed blank forms to correspondents. In this election, Johnson's name was placed first. But the way the candidates' names appear on the official ballot varies in different counties. Sometimes, the returns come in reversed because of errors in copying.

The final Eastland County vote

was reported as Stevenson 2,645, Johnson 2,317. The Garza County vote was corrected to show Stevenson 690, Johnson 664. Hardin County returns earlier showed Stevenson 1,218, Johnson 993. Later figures gave Stevenson 1,258, Johnson 989.

Neither candidate had any claims of outright victory Tuesday. And neither would admit defeat.

Stevenson on Sunday had issued a statement asking that all of his friends in the various counties watch carefully the returns. Also, he said he did not expect to lead in counties where "bloc voting" was the custom. Johnson came back Monday with a statement saying that Stevenson had cast a reflection on the honesty of some Texans, and saying no one likes a poor loser.

With Stevenson clinging to his lead Tuesday, Johnson issued another statement in Austin. He called attention to some of the revisions made in the earlier returns.

EMPHASIZES POINT

"This fact about the election returns needs to be pointed up," Johnson said. "Ever since the big city returns were in late Saturday night my vote has increased steadily except for alleged errors and recapitulations."

"Up to now I am sure all of the mistakes have been honest mistakes, but nevertheless Stevenson has been kept in the running by those mistakes."

"If I lose this election I want to lose it by the votes of the people, and not by mistakes and corrections."

Stevenson had a lead of only 119 votes when the election bureau quit work Monday night.

Tuesday morning, Stevenson

went into a 366-vote lead at 10 o'clock.

The ex-Governor's lead soared to 430 votes at noon.

Additional returns and revisions brought the Stevenson lead down to 296 votes at 3:30 p.m. Tuesday.

At 7 p.m. Tuesday, Stevenson started picking up and had a 349-vote margin.

Stevenson's local supporters felt that they had weathered a storm.

Returns were all in from Johnson landslide counties, such as Duval and Jim Hogg.

Only one county—Borden—was incomplete Tuesday night. The West Texas county favored Stevenson in earlier returns. Only a handful of votes are yet to come.

Election bureau returns are entirely unofficial.

Next step in the counting will be in the office of the secretary of the Democratic State Executive Committee at Austin.

RECORDS ADDED

When official returns, sworn to by Democratic chairmen of Texas' 254 counties, are added up the records will be turned over to a subcommittee. That group will be part of the Democratic State Executive Committee. It again will check returns and make a report to the whole committee. That will come on Sept. 13 at Fort Worth. The next day, another committee of the Democratic state convention will take another look, and inform the convention of its findings. Then comes the formal declaration from the convention of its nominee for United States Senate.

Unless the Republicans put out a strong candidate, such as Sen. W. Lee O'Daniel, to run against the Democratic nominee, the man declared victorious at the convention can assume he will be elected in November.

State Democratic Chairman Robert W. Calvert of Hillsboro an-

nounced that he would give both Stevenson and Johnson an opportunity to name a committeeman to the canvassing committee as a representative to watch the counting.

Mrs. R. A. Thompson of Goliad, the party's vice-chairman, suggested that the state board of accountancy be called in to help with the canvass.

Calvert said that "wouldn't be necessary."

TO ACCEPT TOTALS

All we have to do is add the vote totals from the 254 counties," Calvert said. "We don't have to go over the entire votes; we take the county totals as certified by county chairmen."

Stevenson himself had little to say about maintaining his lead as the vote count neared an end.

"Give me time to catch my breath," the Kimble County rancher and lawyer said.

Stevenson has lost the lead only once since vote counting began shortly after closing of the polls Saturday night. That switch came Sunday evening when a large new batch of one-sided votes rolled in for Johnson from Duval County, South Texas.

Stevenson Holds 119 Vote Lead; Johnson Has Chance to Pull Up

400 Ballots Remain Out, Election Bureau Reports

By ALLEN DUCKWORTH

Coke R. Stevenson led by only 119 votes Monday night in the most exciting Senate race Texas has ever known.

Congressman Lyndon Johnson has a good chance of overtaking Stevenson before reports are completed from Saturday's Democratic primary.

The Texas Election Bureau estimates that 400 votes still are outstanding. It will try to clean those up Tuesday morning.

Whichever way the bureau's final total goes, an official canvass will be necessary to name the winner.

"This is the nearest thing to a tie election we've ever had in Texas," said Robert Johnson, manager of the Election Bureau.

The bureau, whose returns are unofficial, closed for the night at 9 p.m. Monday with six counties still incomplete.

This was the standing at 9 p.m.: Stevenson, 494,396; Johnson, 494,277.

Those figures represented a total of 988,673 votes, and returns from every county in Texas.

CHECK AND RECHECK

The contest was so close that the bureau was checking and rechecking every county.

The lead has changed twice. Although the vote was close, Stevenson held his edge until Sunday night, when he was overtaken by Johnson as the result of a new lump of votes from Duval County, which went overwhelmingly for the 40-year-old congressman from Blanco County.

Stevenson regained the lead at noon Monday.

There is a possibility that Johnson may again take the lead Tuesday. Complete returns are lacking from four counties where he is favored—Kent, Van Zandt, San Jacinto and Jim Hogg. Stevenson counties still out are Borden and McMullen.

The Jim Hogg vote may tell the

The Vote

Copyright, 1948, Texas Election Bureau
Totals at 9 p.m.:

Stevenson	494,396
Johnson	494,277

visions and corrections that were coming in from many counties Monday after first totals had been rushed to the bureau Saturday night.

Typical of revisions were two Monday night. Johnson gained ten more votes from Hidalgo County. A Cameron County correction favored Stevenson with sixty votes.

The law of averages usually evens up revisions. But in this close contest, a candidate getting a break through two or three minor revisions might win the election.

Johnson and Stevenson men were busy watching every vote.

The one who comes out on the short end of the unofficial count most certainly will demand a careful official check.

Each candidate predicted he would win when the Democratic party declares the United States Senate nominee at its state convention next month.

CLOSE WATCH KEPT

Both candidates were in Austin, watching closely the final returns. And both urged that their friends in the various counties check

3 p.m. Not until dusk did the report reach Dallas. Then it gave 427 more votes to Johnson, only two more to Stevenson.

Concern also was expressed by Stevenson supporters over voting in Bexar County (San Antonio) and in the Rio Grande Valley.

Stevenson had publicly said during the campaign that there would be "machine voting" in some of the border counties with large Latin-American populations. He asked for supervisors at the Webb County polls.

Webb, Starr and Hidalgo Counties went heavily for Johnson.

TREND REVERSED

The first primary trend was completely reversed in Bexar County.

Stevenson led in Bexar in the first primary voting with 23,471 votes. Johnson was second with 11,994 and Peddy had 6,348.

Second primary returns from Bexar gave Johnson 15,610 votes to Stevenson's 15,511.

Some South Texas counties have been targets for election complaints before.

There was a grand jury investigation of the Bexar County vote for Congress in 1928.

At that time, a congressional committee also was looking into the Hidalgo County situation.

Witnesses were called before the committee at a session in McAllen.

Testimony was heard about missing envelopes containing election returns. One town's vote, it was testified, was thrown out because an envelope was not sealed.

Disorderly conditions prevailed at some polling places, witnesses said.

A Congressman was told that the same grand jury was kept in Hidalgo County year after year. But a local official told the Congressman that the personnel of the grand jury was no business of the committee.

One witness testified that he believed that 10,000 Mexicans were voted illegally.

Such instances as a Mexican being recorded as having voted, when he was out of town, was alleged. In another instance, it was testified,

read at 8 p.m. Monday with a box still missing.

Johnson—2,908.

Stevenson—166.

In the Congress race, Starr voted this way:

Lloyd Bentsen—1,335.

Philip Kazen—1,919.

The Stevenson-Johnson race is the closest in modern Texas history.

Before the Civil War, there were some close ones, but there were fewer votes involved, nothing approaching the near million votes cast in Saturday's Democratic primary.

Dave Cheavens, crack correspondent for the Associated Press in

Austin, dug back in election records and found these close finishes:

Francis R. Lubbock defeated Edward Clark for Governor by 124 votes in 1861. The count was Lubbock, 21,854; Clark, 21,730. T. J. Chambers, third man in the race, had 13,759 votes.

Election returns must be completed, under the law, by 7 p.m. Tuesday.

That means the ballots must be turned over to county Democratic chairmen by that time. Then the returns will be mailed to the secretary of the Democratic State Executive Committee, in Austin.

A canvassing subcommittee of the

executive group will look over the returns at a Fort Worth meeting Sept. 13. Next day, the committee will inform the state Democratic convention which candidate is ahead. The convention will be asked to certify the victor as the Democratic nominee, whose name will be placed on the November general election ballot.

Unless O'Daniel decides to take the offer of Republican nomination for Senate, the Democratic nominee can consider himself elected. Should O'Daniel decide to run in November as a Republican, he could make it a real general election race—something Texas rarely has.

Johnson is leading there now with 723 votes to 198 for Stevenson. The Rio Grande Valley county reports two boxes still out with about 100 votes. They likely will go 5 to 1 for Johnson. There also is a conflict about the returns from Jim Hogg. One report gives Stevenson 298 votes, instead of 198, but the larger figure is unconfirmed and is not included on the election bureau total.

CLINGS TO LEAD

Stevenson managed to stay in the lead Monday night in spite of new Johnson votes from a Starr County stronghold, which gave the congressman eighty more votes in a final return.

The Election Bureau believes that only 100 votes will separate the two when the official canvass is made Sept. 13 by the Democratic State Executive Committee.

This chart of the counting shows the closeness of the race:

3:30 p.m. Sunday.—Stevenson was leading by 315 votes.

5:30 p.m. Sunday.—Stevenson by 8 votes.

8 p.m. Sunday.—Johnson took the lead by 717 votes.

9 p.m. Sunday.—Johnson by 693 votes.

10 a.m. Monday.—Johnson by 460 votes.

Monday noon.—Stevenson regains lead by 210 votes.

2 p.m. Monday.—Stevenson by 316 votes.

3 p.m. Monday.—Stevenson by 246.

6 p.m. Monday.—Stevenson by 78.

9 p.m. Monday.—Stevenson by 119.

Never before in the history of the election bureau, have the tabulators had to check so carefully.

A dozen votes became vital in re-

Johnson took exception to a statement by Stevenson in which the 60-year-old former governor had said he didn't expect to lead in "any county where bloc votes" are reputed.

"The slurs cast by my opponent on the good people of Texas who voted for me Saturday will, I am sure, be resented not only by them but by all good Texans who dislike a poor loser," Johnson said.

Johnson urged that his friends in "every county and precinct" check the returns "so we can not be counted out again."

The congressman was defeated for Senate by W. Lee O'Daniel by fewer than 2,000 votes seven years ago. The contest now is for the Senate seat O'Daniel is vacating of his own will.

Stevenson men talked of asking for an investigation of South Texas voting. They said, however, they were not ready to announce specific complaints.

They pointed especially to the vote in Duval County, which gave

See ELECTION, Page 16, Col. 1

Johnson 4,622 votes to Stevenson's 40.

Duval always votes overwhelmingly, one way or the other.

The thing that brought protests from the Stevenson camp was the lateness of Duval's final report this time.

The county usually reports, practically complete, on election night.

Sunday morning, however, Duval County informed the Texas Election Bureau that it had one box still out, and it might have as many as 600 votes. It was said that the box probably could be reported by

a man was seen to vote, although he had moved his residence to Oklahoma three months before.

The 1928 controversy brought a demand from State Rep. A. E. Harding of Fort Worth that the Legislature look into voting processes.

"I am sure that the people of Texas do not want 'ring' government," Harding said at the time. "It has existed too long in South Texas."

The Duval County voting record is filled with sharp switches.

When James V. Allred ran for Governor in 1936, his unsuccessful rival, Tom F. Hunter, won Duval County by 3,253 to 107.

But when Allred ran for United States Senate in 1942, he received 2,777 Duval votes to 26 for Dan Moody and 148 for W. Lee O'Daniel.

Duval's vote against Stevenson was an abrupt about-face. In four

election years, Stevenson had Duval's approval, beginning in 1938, when he first ran for Lieutenant Governor. Stevenson got 2,627 votes for Lieutenant Governor against 198 for Pierce Brooks, his runoff opponent.

When Stevenson ran for Governor the first time, Duval liked him to the tune of 2,836 votes to 77 for his five opponents, according to research done by Ray Osborne, Dallas News-Austin correspondent.

Starr County showed an overwhelming vote in the Senate contest, but it was sharply divided on its congressional race.

Here's how Starr County returns

SEP 5 1948

Johnson Leading as Senate Tally Closes

SOLON HOLDS SLIM MARGIN OF 162 VOTES

LAWMAKER ISSUES VICTORY STATEMENT AS ELECTION BUREAU ENDS COUNT

By FRANKLIN BRADFORD
Lyndon B. Johnson held a 162-vote lead in the torrid United States Senate race Saturday night on the basis of the Texas Election Bureau's final tabulation.

Johnson hoisted the victory flag in Austin, claiming victory by a "comfortable margin" over Coke Stevenson in the most exciting race in Texas political history.

The 9 p. m. tabulation showed: Johnson, 494,158; Stevenson, 493,996.

163 Counties Official.

Robert Johnson, manager of the Texas Election Bureau, said the final figures included official figures from 163 Texas counties. "We will compile no further tabulations, unless something happens to show that there has been

(See county-by-county tabulation on Page 12, Sec. 1)

a change in the standing of the two candidates," said Johnson.

The 9 p. m. total took 19 votes from Johnson's 5 p. m. lead of 181 votes. At noon Saturday the 10th District Congressman was ahead by only 58 votes.

Johnson's victory statement came early in the night, when he was leading by 181 votes. In the last two counties to report the official returns, Stevenson gained nine votes in Brazoria County and Johnson lost 10 in Galveston County.

"I can assure my fellow Texans that I have won by a comfortable margin," Johnson said in his statement.

Coke Has No Comment.

A spokesman for Stevenson said that the former governor had no statement to make on Johnson's claim, which came just one week

Harris County Error Charged.

Houston, Sept. 4 (UP).—Followers of Lyndon B. Johnson today claimed the Harris County Democratic Executive Committee deprived their man of 47 votes by refusing to correct an error.

John H. Crooker, an attorney, said the ballots were absentee ones mailed by aged voters and forwarded to the wrong precincts, where they were held and allegedly not counted.

Actually, 48 votes were thus involved, Crooker said, but one of them was a vote for Stevenson.

after the votes were cast in last Saturday's Democratic runoff primary.

The spokesman said that Stevenson had "no statement to make. It's bedtime and he is going to bed."

Of interest to both candidates was the officially-canvassed returns from Duval County. The Texas Election Bureau reported it had been unable to obtain the figures by telephone. Corpus Christi newspaper sources reported, however, the official count gave John-

son a few more votes, although the Corpus Christi newspaper had been unable to get the actual figures.

Throughout Saturday the Election Bureau received and posted the official figures as sent in by correspondents over the state.

Revisions were made in figures from some 39 counties during the day.

The day's revisions were as follows:

Brazoria — Stevenson gained nine.

Galveston—Johnson lost 10.

Comanche—Johnson lost 10.

Stevenson lost three.

Bastrop—Stevenson gained one.

Bell—Johnson gained eight;

Stevenson lost 65.

Chambers—Johnson lost 96;

Stevenson gained four.

Harrison—Johnson lost one;

Stevenson gained two.

Johnson—Johnson gained one;

Stevenson lost one.

Tarrant Johnson lost 13; Stev-

enson lost 29.

Taylor—Johnson lost 10.

Zavala—Johnson gained two;

Stevenson lost six.

Nueces—Johnson gained one;

Stevenson lost one.

Jefferson—Johnson lost 10;

Stevenson lost 25.

Somervell—Johnson lost three.

Leon—Johnson gained two.

Harris—Johnson gained 14; Stev-

enson gained four.

Cook—Johnson gained one; Stev-

enson lost one.

Hidalgo—Johnson gained one;

Stevenson lost one.

Hunt—Johnson lost 15; Stev-

enson lost four.

Lamar—Johnson lost six; Stev-

enson lost 15.

Dickens—Johnson lost 10; Stev-

enson gained 11.

Fayette—Johnson lost one.

McCulloch—Johnson gained 10;

Stevenson lost 10.

Moore—Stevenson lost five.

Lubbock—Johnson gained 50.

Nacogdoches — Stevenson lost

five.

Hill—Johnson gained one; Stev-

enson lost one.

Montague—Stevenson lost three.

Starr—Johnson gained 50; Stev-

enson lost one.

Comanche—Each lost two.

Ellis—Each gained 11.

Freestone—Johnson gained 52;

Stevenson lost two.

Goliad—Johnson lost one; Stev-

enson gained two.

Haskell—Johnson lost two.

Carnes—Johnson lost one;

Stevenson gained six.

Milam—Johnson lost one; Stev-

enson lost two.

Navarro—Stevenson lost one.

Palo Pinto—Johnson lost one.

Throckmorton — Johnson lost

six; Stevenson gained five.

Canvass Set Sept. 13.

While the unofficial figures indicated Johnson the winner, it

was clear that the runoff race was far from settled. The State

Democratic Executive Committee

meets in Fort Worth Sept. 13 to

canvass the returns. The Demo-

cratic convention must ratify the

committee's findings on the fol-

lowing day. Even then, friends of both candidates predicted the possibility of litigation.

Johnson issued an earlier statement Saturday, suggesting that the FBI investigate the election.

The Times Herald Washington Bureau said it learned from reliable government sources that the Department of Justice has the full legal authority to investigate the election, although no decision to make such a probe had been made.

Two or three complaints alleging irregularities in the Texas Senate election had already been filed with the Justice Department. Others were reported in the mails.

Atty. Gen. Tom Clark had gone to Des Moines to deliver a Labor Day speech, but was expected to review the complaints in his office Tuesday.

The attorney general's office explained that two decisions of the United States Supreme Court during the past decade have given legal authority under which the department can investigate an election to determine whether civil rights of voters have been violated.

Johnson swung into the lead Friday with a 44-vote margin at noon. Stevenson immediately issued a statement saying there was a move on to count him out of the race. He cited a Thursday statement by Johnson in which the congressman had predicted victory and called on his friends over the state to "do their duty."

Protest in Tarrant County.

Fred Korth, Tarrant County campaign manager for Johnson, said he would contest returns from voting precincts at Everman and Handley. The Everman returns were received by the county chairman Friday, and no official returns for the Handley box were found when the canvass was made Saturday.

J. Overby Smith of McAllen told the Hidalgo County Executive Committee he would report to Former Gov. Stevenson that envelopes containing runoff tally sheets were not sealed when presented to the committee for canvassing, the United Press reported. By law, the envelopes are to be sealed by election judges and opened by the county committee at the time of the official canvass.

At Brownsville, some 200 Cameron County votes were tossed out because they were mutilated. The committee's official report gave Johnson 30 more votes and Stevenson 10 less than the unofficial figures had shown.

For sheer political drama, the race eclipsed the famous 1941 special senatorial election which sent W. Lee O'Daniel to Washington as the state's junior senator. Johnson was principal in that vote, too, losing to O'Daniel by 1,311 votes in a topsy-turvy photo finish.

O'Daniel declined to seek reelection this year, and his place in the Senate is the prize at stake.

Stevenson has never lost an election in 30 years of running for jobs ranging from county judge to governor.

Coke's Lead Whittled to 255 Ballots

Claim of 'We Won' Sounded by Rival As Tallies Change

By DAWSON DUNCAN

Coke Stevenson's lead in the United States Senate race dipped to 255 votes Thursday night while Lyndon B. Johnson sounded a "we have won" claim.

The former Governor's lead took a 126-vote drop from the noon total in the 7 p.m. tabulation of unofficial counting by the Texas Election Bureau.

Totals for the candidates then were: Johnson, 493,974; Stevenson 494,229.

Yoakum County's official, complete return caused most of Stevenson's decline during the day. The final report from the far West Texas county took 3 votes from Johnson and 121 from Stevenson.

In the Thursday noon count, Stevenson had shoved his lead up to 381 votes, compared to 362 in the final Wednesday night tally.

25 COUNTIES REPORT

Official reports were received during the day from twenty-five counties. Twelve caused changes. Johnson benefited from six; Stevenson from four, and the other two affected each candidate alike.

Changes recorded during the day as the bureau posted official canvassing returns included:

Archer County, Johnson picked up 2; Bandera County, Johnson lost 28 and Stevenson gained 2; Bosque County, Johnson added 4 and Stevenson lost 3; Castro County, erroneously reported complete previously, added 17 for Johnson and 45 for Stevenson; Colorado County, Johnson gained 8 and Stevenson lost the same number; Delta County, Johnson lost 1; Jackson County, each candidate lost 17; Orange County, each gained 1; Rusk County, Johnson picked up 4; Sabine County, Johnson added 19 and Stevenson lost 10, and San Jacinto County, Stevenson gained 10.

Thursday noon total was Johnson 493,977; Stevenson 494,350.

Whatever the outcome of the Bureau's unofficial count, the final decision will be made at the Fort Worth convention of the Democratic party.

On Sept. 13 the State Executive Committee will canvas the official returns from the counties and report to the state convention on the following day. It is the task of the convention to certify the nominees.

Many things to change the result could be urged upon the convention in the way of contests and protests against votes of certain precincts or counties.

CLAIM OF VICTORY

Johnson's claim of victory followed by one day Stevenson's expression of confidence he had won. Stevenson reaffirmed his previous statement.

"Nothing, so far as we know, has happened to change my opinion of yesterday," The News' Austin Bureau quoted Stevenson as saying.

Previously Stevenson had said that all counties had been checked carefully and he was satisfied he would not lose any votes in the official count.

Johnson also predicted he would have a comfortable majority when the official count was made.

"I have made a careful check

through my friends throughout the state," Johnson said in a prepared statement, "and I am absolutely confident that when the official vote is canvassed I will have a majority."

"The only thing that I ask my friends to do is to remember that we have won the race."

"The results have been officially canvassed in only one third of the counties. I am confident that when the results have been canvassed in the remaining two thirds I will have a comfortable majority."

Then Johnson exhorted his friends to be on the alert in assisting the officials. He said:

"The main thing now is for my friends to assist election officials in making a correct canvass."

"I do not charge, and I have not charge, any official with dishonesty. But it is easy to see that an honest error might change the result. The purpose of a canvass is to correct errors made by precinct officials who work under pressure and report their votes at the end of a long, hard day at the polls."

FROM 116 COUNTIES

Meanwhile, Secretary Vann M. Kennedy of the State Executive Committee reported official returns had been received from 116 counties. That left 136 counties to report, as two did not hold runoff elections.

County executive committees have until Saturday to canvass the vote and certify results.

Simultaneously with Johnson's claim of victory, reports were received in Austin of changes in several counties which, unless offset elsewhere, might swing the election.

Reported revisions had not yet reached the Texas Election Bureau. It is making changes now only when reports of official canvasses are received.

The Austin reports on four counties, Zapata, Bell, Yoakum and Van Zandt, indicated Johnson would pick up 239 votes if the information is confirmed in the official canvass of the counties.

Largest reported change was a net gain of 118 for Johnson in Yoakum County, with 45 added in Zapata County, 44 in Bell County and 40 in Van Zandt County.

A recheck was under way in Harris County. There was no indication whether there would be a change and, if there was, which candidate would benefit.

M. L. O. Andrews, retiring Har-

ris County Democratic executive committee chairman, said results should be available by noon Friday.

Unofficial returns gave Stevenson 51,495 votes and Johnson 37,377.

Andrews said both his workers and an independent group of auditors were rechecking. He said he did not know who the auditors represented.

FIGURES AVAILABLE

"I didn't ask them who they represent," he said. "The figures are always available to anyone who wants to look them over."

The auditors also declined to com-

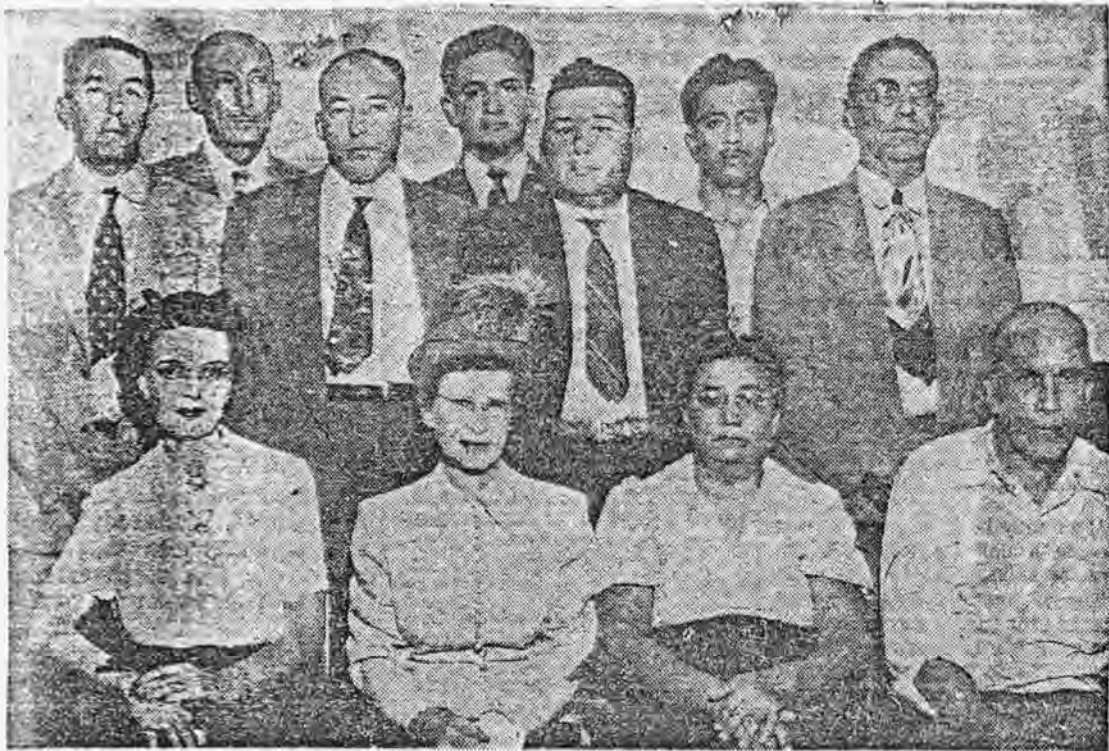
ment on whether either of the candidates had retained them.

Kennedy's office reported that receipt of official returns from forty-one counties had brought the total to 116. Those received during the day were from:

Andrews, Aransas, Bandera, Blanco, Bee, Brazos, Brooks, Brown, Camp, Crosby, Dallam, Dawson, Ector, Edwards, Gaines, Gillespie, Hood, Kent, King, Karnes, La Salle,

McLennan, Marion, Mason, Menard, Montgomery, Motley, Farmer, Rains, Roberts, Reeves, San Patri-

cio, Schleicher, Scurry, Shackelford, Sterling, Terrell, Waller, Walker, Webb and Wood Counties.



—Star-Telegram Staff Photo.

ELECTION WITNESSES ARRIVE—Eleven of about 20 witnesses who came here Tuesday from Jim Wells and Zapata Counties to testify in the injunction suit hearing now under way in Federal District Court, are shown. The witnesses came here at the request of attorneys for Coke Stevenson. Left to right, seated, Mrs. J. M. Mitchell, Mrs. D. Lobrecht, Mrs. Sarah Acero and Louis Salinas, all of Alice. Second row, L. E. Vela, M. G. Flores and N. Porras, all of Zapata, and V. Zepeda of Laredo. Back row, Leon J. Ramirez of Zapata, and H. P. Cerda and Juan A. Martinez of Alice. The other witnesses will not put in an appearance until called, a Stevenson spokesman said.

SRO SIGN OUT AT BALLOT HEARING

Coatless Men Taboo in U. S. Court; 3 Ex-Governors Have Leading Roles

BY MABEL GOULDY.

In the language of the theater the SRO (standing room only) sign was hung out Tuesday in U. S. District Court when Federal Judge T. Whitfield Davidson started the hearing on Coke Stevenson's temporary injunction which seeks to keep the name of Lyndon Johnson off the November ballot as Democratic nominee for the Senate.

Subtracted from the spectators in the courtroom proper were the men who forgot to bring their coats to court with them. Strict decorum is enforced in the federal courtroom and one of the strictest rules is that all gentlemen must wear coats.

There was some frantic borrowing around courthouse offices after U. S. Marshal Wright ordered from the courtroom quite a few men who had arrived early and gotten choice seats. But, alas, they were coatless.

The cast of characters was as distinguished as a spectator would expect in a legal case that likely will be one of the most celebrated in Texas political history.

Three former governors were inside the counsel rail in leading roles. They were Stevenson, who served longer as chief executive than any other Texas governor; James V. Alfred of Houston, a leading luminary in the Johnson legal battery, and Dan Moody, who is spearheading the Stevenson offensive.

Judge Davidson is a former state office holder, having served as lieutenant governor some years ago and having been an unsuccessful candidate for the gubernatorial nomination in the '20s.

Former state senators were sprinkled liberally through both legal camps and embers of many a Texas political feud could be traced with ease as background material to the present squabble.

Mrs. Lady Bird Taylor Johnson, wife of Lyndon Johnson, arrived on her husband's arm to an accompaniment of flashing photo bulbs shortly before court opened.

The occasion marked her first appearance in any court as an interested party, she said.

"I've visited the Supreme Court in Washington as a spectator a number of times but this is the first time I've been in any other courtroom," she explained.

Mrs. Johnson said she hadn't had time to buy any fall clothes "because this thing just keeps continuing" but she presented a modish appearance. She wore a plain gray crepe dress trimmed in satin of the same shade; a small

black velvet on-the-face hat topped with a tall aigret feather and with veiling looped under the chin, and black satin ankle strap slippers.

Johnson was in a navy blue suit while Stevenson wore a light tan gabardine. Both suits were vestless models and the two contestants for the Senate agreed on white shirts and ties splashed with red. Judge Davidson wore a navy blue business suit.

When Judge Davidson made his startling "off the record" proposal just before the noon adjournment that the two antagonists confer at noon and consider

asking party officials to place both names on the November ballot newspaper reporters were caught off guard.

Most of them dropped their pencils when the jurist pointed out several times that his suggestion was entirely off the record. The official court reporter, Jake Robinson of Sherman, took his hands off his stenotype machine.

So the day's most startling development was for the most part unrecorded. Awful visions of contempt of court proceedings flashed through reportorial minds if they released the judge's suggestion under such circumstances. And an even more dreadful thought was the possibility that they might have to suppress it.

But Judge Davidson smilingly explained after the adjournment that "off the record" to him meant off the official court record.

The fact that the courtroom is not air-conditioned (air ducts and all other equipment except a compressor are installed) made 94-degree weather punishing to those

participating in the trial as well as spectators.

Things became even warmer just after court was adjourned. Tom Whalen of WBAP-TV, staff representatives of which had been making television shots in between sessions, suddenly rushed toward a water fountain in the corridor. He held a smoking fountain pen aloft. He had been holding the pen and a lighted cigaret in one hand and they came in contact. A moment later U. S. Marshal Wright and a deputy executed a quick put-out when a large waste basket in the corridor caught fire from cigarets tossed into it.

Because of the large turnout of newspaper, radio and television representatives, the marshal converted his own office into a press room. Inside the courtroom the jury box as well as several tables were reserved for the press. Telephone, telegraph and other conveniences were arranged by Southwestern Bell Telephone Company, Western Union and the Star-Telegram.

SEP 7 1949

33 Counties Switched To Johnson

By JAMES V. LOVELL

Thirty-three counties which gave Coke Stevenson the lead in the July primary switched to Lyndon Johnson in the August election.

That desertion of strength, not the Duval County vote which went to Johnson in both elections, explains why Stevenson is behind in unofficial counting of U. S. senatorial votes.

Johnson lagged 70,000 votes behind Stevenson in the first election tally. How did he manage to wipe out that deficit and nose out his opponent in one month's campaigning?

An analysis of the unofficial returns seems to indicate that Johnson captured enough Stevenson votes to win.

Diminishing Returns.

Take Coke County. Johnson got 650 votes the first primary, Peddy got 111 and Stevenson received 1,289. In the second primary Johnson got 643 but Stevenson received only 530.

Take El Paso County. Johnson received 5,729 votes the first primary. Peddy got 1,580 and Stevenson got 6,427. In the second primary Johnson received 6,439 and Stevenson's tally dropped to 3,129.

Take Bell County. Johnson received 3,791, Peddy got 1,782 and Stevenson's count was 4,175 in the first primary. In the second, Johnson took 4,346 votes and Stevenson got 3,839.

Take Grayson County. Johnson got 4,153 votes, Peddy received 2,079, and Stevenson took 5,763 in the first primary. In the second,

Johnson tallied 3,796, while Stevenson's count dropped to 3,381.

The same trend, in variable degrees, was followed in the other counties Johnson captured from Stevenson, and it was paralleled throughout the state. Johnson lost five counties in the second primary that he carried in the first, the major loss being Gregg.

In the 33 counties which switched to Johnson, he got 36,777 votes (unofficial count) in the first primary, and jumped the total to 53,815 votes in the second. Stevenson drew 52,832 votes in the first, and dropped to 44,765 votes in the second.

Of the 14 counties carried by George Peddy in the first primary, Johnson took six. In one of those, Panola, he had been second in the first primary voting, but in Shelby, San Augustine, Sabine, Grimes and Jackson he had been third man in the July balloting.

First check of the unofficial returns, as a matter of fact, do not show the Peddy vote to have been too great a factor in Johnson's comeback. Both runoff candidates stumped competitively for this block of votes.

Johnson Holds Lead.

In Brazos and Van Zandt, the only two counties where Peddy was second and Johnson first in July, Johnson held his lead in the August election. In the 24 counties where Peddy was second to Stevenson in July, Johnson managed to capture only four, Robertson, Refugio, Madison and Leon.

If there had been a notable switch of Peddy voters to Johnson, the latter should have carried more than four of the 24 counties where Peddy was second to Stevenson.

Even in the four big counties, which produced Stevenson's big bloc of votes, Johnson achieved a relatively good record. He upped his total of votes 23,239 in Dallas, Harris, Bexar, and Tarrant, according to the unofficial returns, while Stevenson increased his only 7,986. In fact, Stevenson lost votes in each big county except Harris. One of them, Bexar, switched from Stevenson to Johnson.

If the official canvass confirms the unofficial returns, the record will show that Stevenson lost because he couldn't hold his own vote under the persuasive campaigning of Johnson.

He could have lost because Kinney and Hansford counties didn't hold an election in August. In the first Stevenson got 77 more votes than both of his opponents in July and in Hansford his majority in July was 153 votes. Stevenson could have used those 230 votes Aug. 28.

STEVENSON FORCES FIND WEAK SPOT IN ELECTION

By ALLEN DUCKWORTH

Stevenson forces may have found a basis on which to argue election irregularities before the State Democratic Executive Committee.

The Jim Wells County executive committee, according to reports in Houston, has declared it is unable to say whether the county's election returns in the Senate primary are correct.

Up to now, Texas Democratic leaders have held that they can't go behind the scenes in counting the votes from the counties; that the state committee's only duty is to count the votes as certified by each of the 254 county chairmen. The law says that the committee can go further if there is a question of the validity of a county chairman's certificate.

The state committee might hold that it still is powerless to "investigate" election details, and it may rule that regardless of what the county committee now says in Jim Wells, the result of the election as sworn out by the county chairman will be accepted.

Jim Wells County developments do give the friends of Coke Stevenson a ray of hope, now that Lyndon Johnson is leading on unofficial tabulations by only 162 votes.

The Houston Chronicle quoted H. L. Poole, secretary of the Jim Wells County executive committee, as saying that the committee met Wednesday night and resolved that it was unable to determine the correct count in the runoff election Senate race in one precinct of the South Texas county.

What stumped the Jim Wells

committee was the vote from Precinct 13.

On the night of the Aug. 28 primary, the precinct gave Johnson 765 votes and Stevenson 60 votes. But on the following Friday—six days later—the precinct added 202 votes to Johnson's total and 2 votes to Stevenson's.

Presiding at a meeting of the county committee Wednesday night was H. L. Adams, Alice banker, who was elected county chairman to succeed Clarence Martens on

STARR COUNTY VOTE HEARING A BEDLAM

RIO GRANDE CITY, Texas, Sept. 9 (UP).—All was bedlam in Judge L. Broeter's District Court Thursday as a parade of Latin-American voters attempted to explain how they had voted in the July 24 primary.

The court is holding a hearing on charges brought by "new party" Democrats that its candidate, J. M. Longoria, lost the Starr County commissioner's race by fraud. Complicating the issue was the fact that the "old party" winner, who squeaked through with a 20-vote lead, is named Armando Longoria.

Given a sample ballot, one witness marked out election designations and left names of candidates blank. Another, asked if he worked in Hidalgo County and loafed in Starr answered "si."

Aug. 28. Reports from Alice indicated that Martens had certified the county's vote to the secretary of the State Democratic Committee, since Adams had not taken office at that time.

Poole was quoted as saying that the new chairman "has been denied the full possession of the voters list and all other election supplies."

If the Jim Wells 202-vote gain for Johnson were rejected by the state committee, that figure alone would throw the congressman behind as the state-wide total now stands. However, it is believed that the Duval County result will add 40 more votes to Johnson's column when the actual certification of the county is revealed at the state executive committee session in Fort Worth Monday.

Dallas County is sending in forty more votes for Stevenson, although it is not known whether they will be accepted. The new votes were discovered when it was found that one voting machine was overlooked when the original tabulations were made. Last Saturday was the dead line for sending in county vote certifications. It will be up to the state committee whether to accept the corrections.

Even if the state executive committee meeting Monday morning, declares itself without legal power to look behind the scenes, the state convention has the authority to do so by precedent. The convention itself declares the nominee after returns are canvassed by the executive committee. The convention opens Tuesday.

William M. Thornton, chief of The Dallas News Austin Bureau, did research on the matter this week and found that thirty years ago the state Democratic convention threw out both the votes and the delegation from Duval County.

By coincidence, the former Duval dispute also was over a senatorial nomination. Then it was state senate. Today it is the United States Senate, with Duval giving Johnson a 100-to-1 landslide.

A convention meeting in Waco, Sept. 3, 1918, voted to exclude the Duval County delegation because of the manner in which it had conducted its primary election.

Furthermore, the convention adopted a resolution asking "that the name Archie Parr be not certified by the Secretary of State as the Democratic candidate for Senate in the twenty-third district."

The late Archie Parr was the father of George Parr, political overseer of Duval County today.

Later records show that D. W. Glasscock was declared the nominee for state Senate by a district senatorial convention.

On Oct. 5, 1918, Parr took his case to court and won an order from a district judge that pre-

vented counties of the senatorial district from printing Glasscock's name on the ballot as nominee.

Parr thus won his way to the State Senate, and there followed a

long hearing on an effort to prevent his being seated.

Meanwhile, Democratic leaders prepared for the preliminaries of next week's state convention.

The subcommittee on credentials will begin its hearings at the Blackstone Hotel in Fort Worth at 10 a.m. Saturday.

J. D. Dickson, Seymour, has been named chairman of the subcommittee which will take evidence from contesting delegations. Such contests include Dallas, Tarrant and Harris—the three largest delegations. States' Rights Democrats are in charge of the regular delegations, but groups loyal to President Truman are trying to unseat them.

Dickson advised State Democratic Chairman R. W. Calvert that his committee will hear States' Rights and Truman-Loyal Delegates from Harris County (Houston) at 10 a.m. The Harrison County (Marshall) contest will be heard at 2 p.m., Tarrant County (Fort Worth) at 4 p.m., and Dallas County at 8 p.m.

Dickson said any other matters to be submitted to the credential

committee will be considered Sunday.

Also on the credentials group are Mrs. Seth Dorbandt, Conroe; Joe Drumwright, Wortham; Mrs. Wade Sadler, Gatesville; Homer Stimson, Royse City; Mrs. Alton Luckett, New Braunfels, and Joe W. Steed, Mount Pleasant.

Gov. Beauford Jester, who has formed a coalition with liberal elements in the party in an effort to keep the party true to Truman, is expected to arrive in Fort Worth Saturday for caucuses.

Bryon Skelton, Temple, leader of the pro-Truman faction, announced from Blackstone Hotel headquarters more details of the "loyalist" rally to be held Monday night at the First Baptist Church auditorium.

Sam Rayburn's feature speech at the rally will be broadcast over a statewide network, Skelton said.

Atty. Gen. Tom Clark has been invited to speak there also. Others to be present on convention eve include Governor Jester, former Gov. James V. Allred, State Democratic Chairman Calvert and other Democratic leaders.

Dallas (Tex.) News

SEP 4 1949

Latest Tally Puts Johnson 17 Votes Up

By DAWSON DUNCAN

Lyndon B. Johnson edged into a 17-vote lead Friday in the unofficial count in the United States Senate race.

It was the second time since Saturday voting that he had topped Coke Stevenson in Texas' closest political contest.

Stevenson immediately charged that he was being counted out of the running by dominated votes.

"It is becoming increasingly obvious," he said at his Austin headquarters, "that a concentrated effort is being made to count me out of this Senate race."

'VICTORY' STATEMENT CITED

"On Thursday at noon my opponent issued a 'victory' statement and urged his friends to 'do their duty.' Almost immediately last-minute 'gains' for my opponent began to roll in from those counties of South Texas which are said to be dominated by a single man.

"I would like to know how my opponent knew so much in advance of the 'revisions' being made today.

"Furthermore, I predict that within the next twenty-four hours further 'gains' for my opponent will be reported from other counties dominated by this same individual. And I mean Jim Wells, Starr, Duval and Webb Counties. I think the people of Texas should know this and be prepared for it."

Johnson gained a 44-vote lead in the 12:30 p.m. tabulation of the Texas Election Bureau, but it dwindled to 17 votes by 6:30 p.m. as additional counties reported complete, official returns.

FINAL FRIDAY COUNT

The bureau's final count for Friday gave Johnson 494,142 and Stevenson 494,125.

Most of Johnson's gain came from one county—a whopping 202-vote jump from Jim Wells County, near the Mexican border.

Official returns added one vote for Stevenson. The final count there was Johnson 1,988 and Stevenson 770.

Earlier in the day, Johnson said in a prepared statement that his headquarters had received Saturday night corrected votes in several counties which the election bureau received later.

"We can not be responsible for the totals carried by an unofficial agency," Johnson said, "and we have no intention of reflecting on the agency which has been reporting them, by implication or otherwise."

"We do say that when every vote is honestly counted in every county, Lyndon Johnson will be certified as the winner of the nomination."

"It is the duty of every patriotic citizen and every friend of good

government to see that every vote is honestly canvassed in the county and promptly certified by the county to the state committee."

SATURDAY DEADLINE

County executive committees have through Saturday to make the official canvass. The returns then are to be forwarded to the State Democratic Executive Committee. A subcommittee will make the state-wide official canvass in Fort Worth on Sept. 13 and report to the whole committee.

The committee's report then will go to the state convention which has the job of certifying the party nominees to the Secretary of State to be placed on the general election ballot.

GAINS IN FOUR COUNTIES

Four counties gave Johnson virtually all of his net increase. In addition to Jim Wells, they were in Zandt County, 40 additional; Umeron County, 30 additional for Johnson with 8 less for Stevenson, and Zapata, where Johnson lost and Stevenson lost 87.

Cass, Johnson lost 14, Stevenson gained 7.

Dickens, Johnson picked up 10 and Stevens lost 10.

Armstrong, Stevenson added 1.

Culbertson, Johnson picked up 3 and Stevenson 6.

Dimmit, Johnson gained 3 and Stevenson lost 40.

Harris, Johnson lost 14 and Stevenson 4.

Llano, Johnson dropped 1.

Washington, Stevenson added 2.

Bastrop and Cherokee, Johnson dropped 5 in each.

Deaf Smith, Johnson added 5 and Stevenson 22.

Ellis, Johnson lost 38 and Stevenson gained 12.

Kerr, Johnson gained 2 and Stevenson dropped 7.

Knox, Johnson dropped 2 and Stevenson picked up 20.

Lamar, Stevenson added 1.

Lamb, Johnson added 2 and Stevenson lost 27.

Red River, Johnson gained 2 and Stevenson 1.

Stephens, Stevenson added 7.

Stonewall, Stevenson lost 1.

DALLAS VOTE

Dallas County's big vote for Stevenson Friday apparently had been correctly reported to the state executive after three tries.

County Chairman Arthur Stevenson Tuesday reported the vote as 26,092 for Stevenson and 17,322 for Johnson, a gain of 254 votes over the unofficial tally for Stevenson. An error in addition was detected, however, reducing the count to 26,150 for Stevenson and 17,576 for Johnson, a gain of 58 for Stevenson.

In transmitting the corrected total, a 2,000-vote error in favor of Johnson was made by a typographical mistake in the letter of Secretary J. A. Wynes. It credited Johnson with 19,576 votes.

Another correction sent by County Chairman Stevenson finally got the correct totals to the state executive committee.

Vann M. Kennedy, secretary to the state executive committee, said 143 counties had sent in official canvassing reports. Twenty-four were received Friday. That left 109 to be received, as two counties did not hold runoff elections.

Counties reporting Friday were Castro, Bexar, Borden, Calhoun, Hartley, Dimmit, Eastland, Jeff Davis, Grimes, Guadalupe, Houston, Hutchinson, Jones, Madison, Martin, Orange, Ochiltree, Pecos, Potter, Refugio, Williamson, Wilson and Zapata.

INDICATION OF PROBE

An indication came from Houston that an investigation might be made of voting in four Rio Grande Valley counties which gave Johnson big majorities. They were Duval, Zapata, Webb and Starr.

Frank Gibley, president of the Houston Institute of Public Relations, gave the hint. He said he had used two auditors to check voting records of Harris County. He and County Chairman M. L. O. Andrews each announced the recheck added ten votes for Stevenson.

Gibley said the recheck was made by a group whom he did not name. He added that the same group wants him "to make a thorough investigation of the returns in four Valley counties, including Duval."

Johnson fired back with a countercharge that the auditors had been employed "by one of the leading oil company lobbyists in Texas."

He said he had no fear of what they might find, but added, "I do not know what they may do." Then he charged that "The Election Bureau reports show that these auditors' manipulations have cost me votes."

Honest errors may have occurred, Johnson continued, "but it does not require privately employed auditors to discover them."

The Texas Election Bureau's revisions were being made as official returns from counties were substituted for earlier unofficial returns. Even though it makes a count based on official returns, its figures are unofficial.

Robert Johnson, bureau manager, said eighty-three counties had reported official complete returns to him.

Thirty-four official complete were received Friday, resulting in changes in twenty-four of the unofficial returns. Fourteen of the changes helped Stevenson. Nine aided Johnson and one affected both alike.

Johnson Says Battle Is Won

Congressman Holds Lead Of 162 Votes Over Coke

BY DAWSON DUNCAN

Lyndon B. Johnson ran up a 162-vote lead over Coke Stevenson in the United States Senate race Saturday and immediately proclaimed his victory.

His lead was in the unofficial tabulation of the Texas Election Bureau. It reported an unofficial count at 9 p.m. of: Johnson 494,158 and Stevenson 493,996.

Although Johnson apparently had won the tussle for the lead in the unofficial vote counting, neither candidate could be certain of the outcome. Officially, the winner will not be decided until the State Democratic convention acts in Fort Worth Sept. 14.

TO RUN TOTALS

Returns canvassed by county committees will be tallied by the state executive committee Sept. 13 and reported to the convention. It must certify the nominee to the Secretary of State in order for the candidate's name to be placed on the general election ballot.

The tabulation issued by the election bureau may be its last. It was based on official returns reported from 163 counties. Unofficial reports in numerous others were considered to be the same as the official returns.

Robert Johnson, bureau manager, said the 9 p.m. total would be the final one "unless an abrupt change occurs" which would reverse the lead. The bureau will continue to receive reports of the official returns.

"I can assure my fellow Texans," Lyndon Johnson said in his victory statement issued at Austin, "that I have won by a comfortable majority as I have always contended I would do since the trend set in Saturday night.

"I expect to make a report to my fellow citizens over a state-wide radio network Monday night and I hope all of them will tune in.

"Just now I want to say that I am grateful to all my supporters everywhere."

COKE SILENT

Stevenson headquarters had no statement. On Friday he had charged he was being counted out of the race by dominated votes.

Johnson's statement claiming victory came shortly after one in which he heatedly took issue with a suggestion that the State Senate general investigating committee inquire into voting practices in the election.

He countered with a suggestion that the Federal Bureau of Investigation would be the proper agency if an investigation were made, because a federal office was involved.

In his victory statement Johnson again recalled he lost to retiring Sen. W. Lee O'Daniel in 1941 by 1,311 votes on late returns. The same election elevated Stevenson from Lieutenant Governor to Governor.

He insisted a trend in his favor set in at 10 p.m. Saturday after the big city vote was in. A series of "corrections and alterations," he said, cut down the trend for several days, but "I did not complain or cry."

"Remembering 1941," he continued, "and knowing that official returns were the only ones counted, I have taken particular pains to have my loyal supporters contact the election officials and report the official returns in every county."

SWITCHED TWICE

In the week of vote counting since the balloting last Saturday, the lead has switched twice. Stevenson led until 8 p.m. last Sunday and recaptured it at noon Monday.

Johnson lagged behind again until noon Friday when a block of 200 votes from Jim Wells County surged him into a 44-vote lead. It

dwindled to 17 votes Friday night, but mounted Saturday with margins of 58 votes at noon, 181 votes at 7 p.m. and 162 votes on the last total.

Stevenson and Johnson shared about equally in changes resulting from official reports during the day from about forty counties. But Johnson got the break in counties which had large and material changes.

Among the counties from which official returns had not been received was Duval County. Its unofficial reports gave Johnson 4,622 to Stevenson's 40.

J. C. King, county chairman there, said the official returns had been mailed but he did not recall the exact figures. He added there was "a slight change favoring Johnson."

Johnson did not mention The Dallas News in his statement suggesting the FBI as a proper investigating agency, but it was apparent he referred to it. The News on Saturday editorially called for a State Senate committee inquiry.

No response had come from Sen. A. M. Aikin Jr., of Paris, chairman of the investigating committee.

HAS HAD NO REQUEST

However, Aikin, who could not be reached by telephone, told a Paris newspaper reporter:

"So far as I know, we have had no request for an investigation of the election, either from Lyndon Johnson or Coke Stevenson. If we receive such a request, it will be given due consideration."

Johnson's statement: "While a large metropolitan newspaper and their candidate were leading 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 screaming.

"I would like for them to explain how they corrected me out of 400 votes in one county, 225 votes in another, more than 200 in Harris County, and to top it all,

from their own columns, in today's paper, it appears that they have corrected me out of 2,000 votes in Dallas County, in a 2-time certification to the state chairman before the votes were even canvassed. "I am trying to stop the same thing from happening in other counties. By their slanted headlines and their front page editorials, that newspaper 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 trying to do to Johnson.

"It's a peculiar thing that my opponent and his newspaper sponsor thus far have made no mention of some counties that did a complete about-face but when he trails by seventeen votes, they cry for an investigation to be conducted by a committee the majority of whom are his old cronies and 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, as I have maintained throughout the counting of the votes, I will have a comfortable majority."

Vann M. Kennedy, secretary of the Democratic State Executive Committee, said official returns were received Saturday from fourteen counties, bringing the total to 158.

Those counties were Brewster,

THIS DAY IN TEXAS

On this day in 1875 delegates chosen to draft the new State Constitution met in the capital city of Austin.

The instrument which they finally promulgated was ratified on the third Tuesday in February of 1876 by a popular vote, and is still in force.

The constitutional history of Texas is as varied as the story of the many flags which flew over it. The Constitutions of the Republic and of the pre-Civil War state were abandoned, of course, as Texas entered the Union, then seceded to join the Confederacy. Following the Civil War, delegates were named to what is known as the "carpetbag convention," and framed that short-lived document. Legend has it that the Secretary of State wrote most of this Constitution after many of the delegates had returned home, and that it was approved in a session in which there was not a quorum of the delegates present.

Thus the present document is the fifth Constitution of Texas.

CURTIS BISHOP.

Cameron, DeWitt, El Paso, Falls, Goliad, Lee, Lynn, Palo Pinto, Rusk, Sabine, Shelby and Angelina.

Saturday was the final day for county executive committees to certify the results. Kennedy expected to receive a large number Monday. Only one contest had been reported.

Fred Korth, Tarrant County campaign manager for Johnson, said he would contest returns from the Everman precinct. Returns from the precinct were received by the county chairman Friday. Stevenson received 112 votes and Johnson 88.

Significant changes in returns Saturday included:

Bell County, Johnson gained 8 and Stevenson lost 65.

Chambers, Johnson lost 96 and Stevenson gained 4.

Tarrant, Johnson lost 18 and Stevenson lost 29.

Taylor, Johnson lost 10.

Freestone, Johnson picked up 52 and Stevenson lost 2.

Throckmorton, Johnson lost 6 and Stevenson added 5.

Jefferson, Johnson lost 10 and Stevenson lost 25.

Harris, Johnson added 14 and Stevenson gained 4.

Hunt, Johnson lost 15 and Stevenson dropped 4.

Lamar, Johnson dropped 6 and Stevenson lost 15.

Dickens, Johnson lost 10 and Stevenson added 11.

McCulloch, Johnson picked up 10 and Stevenson lost 10.

Lubbock, Johnson added 50.

Moore and Nacogdoches, Stevenson lost 5 in each.

Starr, Johnson picked up 50 and Stevenson lost 1.

The last two counties included in the final total, Brazoria and Galveston, cost Johnson 19 votes. Stevenson added 9 in Brazoria while the official return from Galveston cut Johnson's vote down 10.

Dallas County's returns were canvassed and certified without protest from Johnson leaders here. Stevenson got 26,150 and Johnson 17,576.

The official certificate erased a typographical error in a report sent earlier in the week from County Chairman Arthur Stevenson's office. In the erroneous report, Johnson had been credited with 19,576 instead of 17,576 votes.

In Hidalgo County, J. Overby Smith of McAllen said he would report to Stevenson what appeared to be an election procedure irregularity. Envelopes containing runoff tally sheets were not sealed when presented to the executive committee for canvassing, he said.

TEXAS
PRESS CLIPPING BUREAU
DALLAS

Dallas (Tex.) News

Stevenson's Margin Firm By 362 Votes

By ALLEN DUCKWORTH

Coke Stevenson was holding firmly Wednesday night to his narrow lead in a historic United States Senate race.

Complete but unofficial returns have been received from every county in Texas.

At 6 p.m. Wednesday, the Texas Election Bureau showed Stevenson still leading Congressman Lyndon Johnson by 362 votes.

In twenty-three hours, Stevenson's advantage has been unchanged except for a few votes.

This was the score on the final tabulation until Thursday:

Stevenson—494,330.

Johnson—493,968.

COMPLETE RETURNS

The election bureau announced Wednesday that it had "complete" returns from every Texas county.

Although about a fourth of the counties that have reported to the bureau so far have marked their returns complete, official and certified, the nominating election's result can not be considered certain until the Democratic State Executive Committee makes its canvass Sept. 13.

The election bureau is entirely unofficial. It is an independent agency whose only goal is to try to collect for public information the most accurate returns possible so that newspaper readers and radio listeners will not have to wait weeks to learn an election result.

As various counties, realizing the importance of every single vote, check and recheck their figures, a few errors are being found. The election bureau will continue for the rest of the week to verify figures previously received in haste after the polls closed Saturday.

MINOR REVISIONS

Seventeen counties reported minor revisions Wednesday. Stevenson was favored in ten counties, Johnson in eight.

But even with seventeen revisions, there was a net change of only thirteen votes.

The revisions tended to cancel themselves out.

Congressman Johnson picked up forty-three verified votes from Hardin County. Stevenson gained fifty-eight votes in Dallas County.

The election bureau has added up its totals thirty-one times since it began counting votes Saturday night.

Stevenson has led on every tabulation except three. Johnson went into the lead at 8 p.m. Sunday when an unexpected new total arrived from Duval County. He led on the 9 p.m. total that day, continued to lead at 10 a.m. Monday, but lost his temporary advantage to Stevenson.

See RUNOFF, Page 18, Col. 1.

RUNOFF

Continued from Page 1

son at noon and has never regained it.

This table shows how the Stevenson lead has remained fairly steady:

7 p.m. Tuesday.—Leads by 349.

Noon Wednesday.—Leads by 348.

6 p.m. Wednesday.—Leads by 362.

Never before has Texas had an election so close that every single vote was being watched by friends of the opposing candidates.

An incident in Brown County is an example. Johnson men protested the addition of four absentee ballots not entered on the tally sheets until Monday. Three votes favored Stevenson, one vote was for Johnson.

The votes were cast absentee within the legal limit, but due to an error in addressing an envelope to the Chapel Hill precinct judge, he did not receive them in time to be put on the election-day returns.

County Chairman Thomas H. Taylor admitted the fault was all his. He had addressed the absentee votes to Precinct Judge T. M. Burleson at Route 3, Bangs, instead of Route 3, Brownwood.

Fred Abney Jr., a Brownwood attorney and supporter of the congressman, challenged the addition of the four votes to the Brown County total. E. M. Davis, Stevenson supporter, said the votes were cast in good faith and there was no question about their legality.

The county Democratic committee voted to certify the corrected total along with a statement of facts to state Democratic officials. Abney said the matter would be reported to Johnson and that it would be left to him whether to challenge the Brown County tabulation. The corrected totals gave Stevenson 3,644 votes to Johnson's 2,184 votes.

If Johnson could successfully challenge the entire Brown County vote, it would put him in the lead. That's how close the contest is now.

It appeared, however, that the Brown County party officials had protected their vote by adding the statement of fact. They have, in effect, left it up to the state committee whether to count the four absentee ballots.

CONTEST RUMORS

Rumors of contest plans buzzed throughout the state. Stevenson men still complain of the odd vote from Duval County that first gave Johnson a 1-sided lead of 4,195 to 38, then revised the count to favor Johnson, 4,662 to 40.

Johnson men who threatened a contest in Gregg County because it

switched from first-primary support of the congressman to runoff favor for the ex-Governor, got a quick retort from fiery Carl Estes, Longview publisher. Estes had given wholehearted support to Johnson in the campaign, but he declared that the congressman was beaten fairly and squarely in Gregg County and he himself would resist any effort to contest the vote.

Meanwhile, counties were officially certifying their votes to Vann Kennedy, secretary of the Democratic state committee. But what figures are shown is confidential until the committee meets Sept. 13 to add up the totals and declare the winner.

SEP 4 1960

X Latest Tally Puts Johnson 17 Votes Up

By DAWSON DUNCAN

Lyndon B. Johnson edged into a 17-vote lead Friday in the unofficial count in the United States Senate race.

It was the second time since Saturday voting that he had topped Coke Stevenson in Texas' closest political contest.

Stevenson immediately charged that he was being counted out of the running by dominated votes.

"It is becoming increasingly obvious," he said at his Austin headquarters, "that a concentrated effort is being made to count me out of this Senate race."

'VICTORY' STATEMENT CITED

"On Thursday at noon my opponent issued a 'victory' statement and urged his friends to 'do their duty.' Almost immediately last-minute 'gains' for my opponent began to roll in from those counties of South Texas which are said to be dominated by a single man.

"I would like to know how my opponent knew so much in advance of the 'revisions' being made today.

"Furthermore, I predict that within the next twenty-four hours further 'gains' for my opponent will be reported from other counties dominated by this same individual. And I mean Jim Wells, Starr, Duval and Webb Counties. I think the people of Texas should know this and be prepared for it."

Johnson gained a 44-vote lead in the 12:30 p.m. tabulation of the Texas Election Bureau, but it dwindled to 17 votes by 6:30 p.m. as additional counties reported complete, official returns.

FINAL FRIDAY COUNT

The bureau's final count for Friday gave Johnson 494,142 and Stevenson 494,125.

Most of Johnson's gain came from one county—a whopping 202-vote jump from Jim Wells County, near the Mexican border.

Official returns added one vote for Stevenson. The final count there was Johnson 1,988 and Stevenson 770.

Earlier in the day, Johnson said in a prepared statement that his headquarters had received Saturday night corrected votes in several counties which the election bureau received later.

"We can not be responsible for the totals carried by an unofficial agency," Johnson said, "and we have no intention of reflecting on the agency which has been reporting them, by implication or otherwise."

"We do say that when every vote is honestly counted in every county, Lyndon Johnson will be certified as the winner of the nomination."

"It is the duty of every patriotic citizen and every friend of good

government to see that every vote is honestly canvassed in the county and promptly certified by the county to the state committee."

SATURDAY DEADLINE

County executive committees have through Saturday to make the official canvass. The returns then are to be forwarded to the State Democratic Executive Committee. A subcommittee will make the state-wide official canvass in Fort Worth on Sept. 13 and report to the whole committee.

The committee's report then will go to the state convention which has the job of certifying the party nominees to the Secretary of State to be placed on the general election ballot.

Vann M. Kennedy, secretary to the state executive committee, said 143 counties had sent in official canvassing reports. Twenty-four were received Friday. That left 109 to be received, as two counties did not hold runoff elections.

Counties reporting Friday were Castro, Bexar, Borden, Calhoun, Hartley, Dimmit, Eastland, Jeff Davis, Grimes, Guadalupe, Houston, Hutchinson, Jones, Madison, Martin, Orange, Ochiltree, Pecos, Potter, Refugio, Williamson, Wilson and Zapata.

INDICATION OF PROBE

An indication came from Houston that an investigation might be made of voting in four Rio Grande Valley counties which gave Johnson big majorities. They were Duval, Zapata, Webb and Starr.

Frank Gibler, president of the Houston Institute of Public Relations, gave the hint. He said he had used two auditors to check voting records of Harris County. He and County Chairman M. L. O. Andrews each announced the recheck added ten votes for Stevenson.

Gibler said the recheck was made by a group whom he did not name. He added that the same group wants him "to make a thorough investigation of the returns in four Valley counties, including Duval." Johnson fired back with a countercharge that the auditors had been employed "by one of the leading oil company lobbyists in Texas."

He said he had no fear of what they might find, but added, "I do not know what they may do." Then he charged that "The Election Bureau reports show that these auditors' manipulations have cost me votes."

Honest errors may have occurred, Johnson continued, "but it does not require privately employed auditors to discover them."

The Texas Election Bureau's revisions were being made as official returns from counties were substituted for earlier unofficial returns. Even though it makes a count based on official returns, its figures are unofficial.

Robert Johnson, bureau manager, said eighty-three counties had reported official complete returns to him.

Thirty-four official complete were received Friday, resulting in changes in twenty-four of the unofficial returns. Fourteen of the changes helped Stevenson. Nine aided Johnson and one affected both alike.

GAINS IN FOUR COUNTIES

Four counties gave Johnson virtually all of his net increase. In addition to Jim Wells, they were Van Zandt County, 40 additional; Cameron County, 30 additional for Johnson with 8 less for Stevenson, and Zapata, where Johnson lost 42 and Stevenson lost 87.

Cass, Johnson lost 14, Stevenson gained 7.

Dickens, Johnson picked up 10 and Stevens lost 10.

Armstrong, Stevenson added 1. Culbertson, Johnson picked up 3 and Stevenson 6.

Dimmit, Johnson gained 3 and Stevenson lost 40.

Harris, Johnson lost 14 and Stevenson 4.

Llano, Johnson dropped 1.

Washington, Stevenson added 2. Bastrop and Cherokee, Johnson dropped 5 in each.

Deaf Smith, Johnson added 5 and Stevenson 22.

Ellis, Johnson lost 38 and Stevenson gained 12.

Kerr, Johnson gained 2 and Stevenson dropped 7.

Knox, Johnson dropped 2 and Stevenson picked up 20.

Lamar, Stevenson added 1. Lamb, Johnson added 2 and Stevenson lost 27.

Red River, Johnson gained 2 and Stevenson 1.

Stephens, Stevenson added 7. Stonewall, Stevenson lost 1.

DALLAS VOTE

Dallas County's big vote for Stevenson Friday apparently had been correctly reported to the state executive after three tries.

County Chairman Arthur Stevenson Tuesday reported the vote as 26,092 for Stevenson and 17,322 for Johnson, a gain of 254 votes over the unofficial tally for Stevenson.

An error in addition was detected, however, reducing the count to 26,150 for Stevenson and 17,576 for Johnson, a gain of 58 for Stevenson.

In transmitting the corrected total, a 2,000-vote error in favor of Johnson was made by a typographical mistake in the letter of Secretary J. A. Wynne. It credited Johnson with 19,576 votes.

Another correction sent by County Chairman Stevenson finally got the correct totals to the state executive committee.

WEDNESDAY, SEPTEMBER 9, 1948

Oldest Business Institution in Texas

RECHECK OF VOTES GIVES COKE GAIN

Three Errors Discovered in County Total

The Stevensons—Arthur and Coke—lost and gained, respectively, Wednesday in a recount of the votes cast for them in Dallas County in the Aug. 28 runoff primary.

Three mistakes by election judges in reporting the results reduced Arthur Stevenson's winning margin over Dick Hatfield in the County Democratic Chairman race from 300 to 194.

One error, wherein the judge failed to report the results of one voting machine, showed Coke Stevenson picking up 40 votes over Lyndon Johnson in the race for the United States Senate nomination.

FINDINGS UNOFFICIAL

The Stevenson-Johnson development, however, is unofficial. The recount officially was confined to a check of the Stevenson-Hatfield results.

Even so, County Chairman Stevenson said Wednesday he would notify state Democratic officials of the Senate race vote change.

"I don't believe anyone wants to disfranchise any voter because a judge made an honest mistake," Stevenson said.

Vernon Singleton, who managed Coke Stevenson's campaign in Dallas County, said he would wait for the county chairman to act.

"I would think the State Democratic Executive Committee would want to give both senatorial candidates all the votes each received," Singleton said.

Singleton said he preferred that County Chairman Stevenson certify the new totals to State Democratic Secretary Vann Kennedy of Austin and then let Kennedy do what the law provides.

The unreported voting machine, used in Precinct 131 in Oak Cliff, was the major development of Wednesday's recheck.

Mrs. L. C. Harris, precinct election judge, said Wednesday she had misunderstood the procedure for reporting the voting results. She said she received the two forms from the county Democratic office. On one sheet, she said, she wrote the vote results from one machine; on the other sheet, she wrote the results on the other machine. Then she sent one sheet to the Democratic Executive Committee office and one to County Clerk Ed Steger. The sheet sent to Steger never

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Actually, Mrs. Harris should have put both machine totals on each sheet.

REPORT FOUND

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The unreported machine gave Arthur Stevenson ninety-two votes and Hatfield seventy-five.

Homer B. Fisher, chairman of

the county's Democratic canvassing subcommittee, said he looked at the senatorial vote. It read Coke Stevenson 113, Lyndon Johnson 73, Fisher said.

But Fisher and District Judge Dick Dixon, one of two county judges supervising the recount, said they had no authority to check the senatorial results and could not take any action on the matter.

Two other major errors by election judges were uncovered in the recheck.

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Stevenson Recaptures Lead by 210 Votes In Texas Senate Race

Ex-Governor and Johnson
Both Indicate Results
Must Await Convention

Star Aug 30/48
By the Associated Press

DALLAS, Tex., Aug. 30.—Former Gov. Coke Stevenson jumped back into the lead over Representative Lyndon Johnson in the Senate runoff race by 210 votes at noon today.

The 11:45 a.m. (GST) tabulation of the Texas Election Bureau gave Stevenson 492,481 votes. That represented a total 984,572 votes counted, with 241 of the State's 254 counties complete. An estimated 6,000 votes were still out.

The race was the closest in the political history of Texas. Both candidates have indicated they would not accept the unofficial count of the Election Bureau.

Mr. Stevenson jumped into an early lead when tabulation of the State's Democratic runoff primary Saturday began. The lead dwindled steadily until 5:30 p.m. yesterday when Mr. Johnson was only eight votes behind. At 8 p.m. Mr. Johnson catapulted ahead by 717 votes and he stayed ahead until the 11:45 a.m. count today. At 10 a.m. today he was 460 votes ahead.

Congressional Returns

In the congressional races, Representative Pickett had 25,628 votes and Nat. Patton 20,395 in the 7th district. Homer Thornberry had 32,760 and Kelley McClain 22,040 in the 10th. Lloyd M. Bentsen, jr., had 29,705 and Philip Kazen 20,895 in the 15th.

In Texas the Democratic nomination is tantamount to victory in the November election.

Three counties put preferential referendums on the ballot, but the referendum returns were not collected by the election bureau. Other reports showed that Harrison County favored putting on the general election ballot a referendum to choose between the States Rights Thurmond-Wright ticket and the Truman-Barkley slate. Harris County (Houston) and Brazoria County voted in favor of the States Rights ticket.

Texas may not know for sure who the Democratic Senate nominee will be until after the State Convention certifies the official returns September 14 at Fort Worth.

State law puts the duty of determining the official winner on the convention.

Asked if he would accept the

(See TEXAS, Page A-4.)

Texas

(Continued From First Page.)

unofficial count if he loses, Mr. Stevenson replied.

"No sirree, boss."

Mr. Johnson would not comment. It was believed he agreed with Mr. Stevenson on that point.

Mr. Stevenson at one time was ahead by more than 17,500 votes, but Mr. Johnson on each successive count chipped blocks of votes off the majority until counting resumed today.

Confident of Majority

Mr. Stevenson issued a statement after reports indicated he was trailing. He said in part:

"I didn't expect to get a majority of votes in any county where bloc votes are reputed to be for sale in a close political race, or in any of the so-called influence counties or in any machine county."

He predicted, however, that reports "make me fully confident that I will have a majority when all the votes are in."

Mr. Johnson said in a statement that he felt assured of a substantial lead. He said "With all my heart I thank all the people who have so loyally supported me and who have worked so hard for our victory together."

Mr. Stevenson polled 477,077 votes in the July primary. Mr. Johnson got 405,617, or 71,460 fewer.

Coke Feels Certain He's The Winner

By RICHARD M. MOREHEAD

Austin Bureau of The News

AUSTIN, Texas, Sept. 1.—Coke Stevenson expressed confidence Wednesday that official returns would prove him winner in the United States Senate race.

"All the counties have been rechecked carefully, and I'm satisfied I will not lose any votes in the official returns," said the former Governor.

The unofficial Texas Election Bureau figures at Dallas show Stevenson holds a 362-vote margin over Lyndon B. Johnson.

TO NAME WATCHER

Stevenson said he probably would name a representative to watch the official canvass Sept. 13 by the Democratic State Executive Committee. The invitation for both candidates to appoint a representative came from Robert W. Calvert, committee chairman. A subcommittee usually makes the actual count.

"It's a mighty nice gesture on Mr. Calvert's part," Stevenson commented.

Vann M. Kennedy, secretary of the Democratic State Executive Committee, reported meanwhile that official returns have come from seventy-five counties, plus Hansford, which held no election because there was no local contest in the second primary.

In addition, there were unofficial reports that many other returns were mailed to Kennedy during the day, among them Webb County.

See COKE, Page 18, Col. 2.

COKE

Continued from Page 1
where state police were requested to watch the polling.

"This possibly is the largest filing of county returns ever obtained this far ahead of a state convention," commented Kennedy. Daily reports will be made upon the number of counties reporting, but official figures will be withheld until canvassed by the State Executive Committee, he added.

SUBMIT RETURNS

The Wednesday tabulation showed official returns from the following counties:

Archer, Atascosa, Austin, Baylor, Bosque, Briscoe, Burnet, Callahan, Carson, Cass, Cherokee, Childress, Cochran, Coleman, Coryell, Cottle, Crane, Dallas, Delta, Donley, Erath, Fisher, Foard, Franklin, Frio, Garza, Gregg, Hamilton, Hardeman, Harrison, Hemphill, Howard, Hudspeth, Irion, Jackson, Jasper, Kendall, Kenedy, Kerr, Kimble, Live Oak, Matagorda, Maverick, Midland, Mills, Mitchell, Newton, Nolan, Parker, Polk, Presidio, Randall, Robertson, Rockwall, Runnels, San Augustine, San Jacinto, San Saba, Somervell, Stephens, Stonewall, Sutton, Throckmorton, Titus, Tom Green, Trinity, Upshur, Upton, Van Zandt, Victoria, Washington, Wheeler, Wilbarger, Willacy, Yoakum, Hansford (no primary held).

Stevenson will remain in Austin for several days before making another trip to his ranch at Junction. He traveled 56,000 miles campaigning for the Senate. Despite the rigorous traveling, he weighed the same at the campaign's beginning and end—199 pounds.

VISITS COURTHOUSE

A trip to the Travis County courthouse took part of his day Wednesday. Stevenson appeared before County Judge George Mathews to attest handwriting in the will of the late Mrs. Mary B. Paterson of Austin. The Stevenson and Paterson ranches adjoin in Kimble County.

Mrs. Paterson, widow of English-born Peter Paterson, lived in Kimble County for many years before moving to Austin.

Stevenson knew her signature from fifteen years of handling the Paterson account in the Junction bank where he worked. Paterson died here several years ago. Their children are Dr. Elizabeth Paterson and Mrs. Llewellyn Rose of Austin, and John H. Paterson, who lives in California.

Thursday, September 2, 1948


Stevenson
Johnson

① **No election held in
Hansford or Kinney
Counties.**

188 COUNTIES TO 108

Distribution of the vote in the United States Senate race in counties carried by the two candidates is shown in the map. It was based on returns to the Texas Election Bureau through Wednesday. Coke Stevenson led in 144 counties, while Lyndon B. Johnson polled majorities in 108. Two counties, Hansford and Kinney, did not hold runoff elections. Neither of the two sparsely-populated counties had a contested local race.



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