

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 4,173 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.

Trend Follows

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 52,813 votes in the second. Stevenson drew 52,832 votes in

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(CIO).

Counties Switched

Continued From Page One

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 not 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.

Ten Men Stranded in Alaska.

Ketchikan, Alaska, Sept. 7

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88,541-Vote Runoff Gain Tells Story

By JAMES V. LOVELL

Lyndon Johnson received 88,541 more votes in the second primary than he did in the first, according to unofficial returns in the U. S. Senatorial race.

Coke Stevenson, meanwhile, upped his total, only 18,919 votes, it is shown by a comparison of official returns for July and figures compiled on the run-off election by the Texas Election Bureau.

A study of these figures, county by county, will clear up a lot of the "mystery" about how Johnson overcame a deficit of 71,460 votes in the first primary and took the lead from Stevenson in the unofficial counting.

In the first election Johnson received 405,617 votes and Stevenson had 477,077. Unofficial returns for the runoff show Johnson with 494,158 votes and credit Stevenson with 493,996.

Peddy Support Sought.

There were 1,202,392 votes cast for senatorial candidates in the first primary. Johnson and Stevenson together accounting for 882,694 votes and George Peddy taking 237,195 votes. In the runoff Johnson and Stevenson together had 988,154 votes, an increase of 105,460 over their July total.

As shown previously, Johnson garnered the major share of new votes.

In polling 88,541 more votes than he got in July, Johnson raided Stevenson's strength and captured 33 counties that the former governor had carried.

Stevenson didn't lose the election in Duval County, he lost, apparently, in his own counties where his workers failed to get as many voters to the polls in August as went in July.

Of the 168 counties carried by Stevenson in July, his vote was increased in August only in 34.6 per cent of them. Meanwhile, Johnson had nipped off 33 of Coke's counties, plus six of the fourteen Peddy counties and had

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Senate Runoff

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increased his own vote in 55.5 of the counties he carried in July.

Stevenson's Field Raided.

Even more significant in a realistic appreciation of the unofficial election returns is Johnson's widespread encroachment on Stevenson territory where he retained a lead in votes. In many counties Stevenson retained the lead but the lead was narrowed appreciably by Johnson.

For example, Cherokee County. Stevenson got 2,520 votes in July and 2,742 in August. Johnson got 1,302 in July and 2,027 in August.

For example, Hopkins County. Stevenson got 2,799 votes in July and 3,436 in August. Johnson got 1,774 in July and 2,868 in August.

Among the Stevenson counties where the former governor lost strength but maintained a lead, Johnson forged ahead to add new strength.

For example, Potter County. Stevenson received 6,585 votes in July and 6,418 in August. Johnson received 3,288 in July and 3,959 in August.

Bowie County Close.

For example, Bowie County. Stevenson took 4,671 votes in July and 4,021 in August. Johnson got 2,310 in July and 4,017 in August.

For example, Crane County. Stevenson had 516 votes in July and 508 in August. Johnson had 374 in July and 439 in August.

For example, Tarrant County. Stevenson got 23,063 votes in July and 22,741 in August. Johnson received 16,873 in July and 18,092 votes in August.

On election eve Coke announced publicly that he expected to carry the election by 150,000 votes, a major miscalculation in the light of unofficial returns. It may have been that the 71,460 vote lead he had on entering the runoff convinced his supporters it would not be necessary to vote on Aug. 28.

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DAL. NWS AUG 27, 1948



STEVENSON'S THE NAME

Two office seekers named Stevenson talked over their political campaigns Thursday during a meeting of county election judges at the courthouse. County Democratic Chairman Arthur Stevenson, left, who is seeking re-election, invited former Gov. Coke R. Stevenson, United States Senate candidate, to sit in on the meeting. Stevenson (Arthur) said Coke was a distant cousin. Coke sat and smoked his pipe during the meeting and later shook hands with everyone.

Joint Board to Tall Hensley F

Coke's Dallas Drive Headed by Veterans

By ALLEN DUCKWORTH

World War II veterans spear-headed Coke Stevenson's final drive for Dallas County votes Thursday.

The Senate candidate wore out several escorts in a fast-stepping handshaking tour of the city. But Stevenson himself seemed tireless.

He was confident, too. A dozen long-distance telephone calls from supporters throughout the state told him he would win Saturday's election.

PREDICTS VICTORY

"I will win in Saturday's primary election by a much larger majority than I expected," Stevenson said after looking over reports of progress.

Stevenson was up at 5 a.m. Thursday, after his long automobile hop from the Rio Grande Valley to Dallas. He drank coffee at an Akard Street cafe and shook hands with early risers in the downtown section.

He attended two meetings before noon—as speaker at the Southwestern Association of Venetian Blind Manufacturers and as a visitor at the Salesmanship Club luncheon.

State Sen. Fred (Red) Harris, naval hero of the aircraft carrier Franklin disaster in the Pacific, took Stevenson for a tour of courthouse offices and to the meeting of the County Democratic Executive Committee, which gave the candidate an ovation.

William C. Burrow, overseas army veteran and a supporter of George Peddy in the first primary, spoke for Stevenson in an evening radiobroadcast.

Stevenson's wartime record as Governor was praised.

"Coke Stevenson served five years as our wartime Governor," Burrow declared.

"During those five years there was not one single man-hour lost through strikes from any of our vital war industries. The record is unequalled anywhere else in the United States during those years."

Burrow said it was comforting to fighting men overseas, while war industries were stopped by strikes in many other sections of the country, to know that under the Stevenson administration Texas was producing the materials for the victory.

JOHNSON CRITICIZED

Congressman Lyndon Johnson, Stevenson's opponent, was criticized by Burrow as an advocate of high individual taxes.

While Stevenson believes in keeping the taxation of an individual low, Burrow insisted, Johnson has voted against income-tax reductions.

"On Feb. 2 of this year," he said, "Lyndon Johnson voted against the individual income tax reduction bill."

"On March 24 of this year he voted against the tax reduction as amended."

"On April 2 of this year—little more than four months ago—he (Johnson) once more voted against overriding the presidential veto of the income-tax reduction bill."

Vernon Singleton, Dallas County manager for Stevenson, said Peddy leaders were "flocking to Stevenson."

A group of former Peddy supporters gathered in Stevenson's hotel room during the afternoon to assure Stevenson of their support.

"From every part of Texas, by telephone, telegraph and letter, a veritable flood of information has reached me that not only a big majority of Peddy support is solid-

COKE, LYNDON MISS MEETING BY TEN FEET

Senate Candidates Coke Stevenson and Lyndon Johnson missed running into each other by about ten feet at the Richardson Fair Thursday night.

Johnson made a 20-minute speech to the crowd that had filled the school auditorium to see a group of youngsters present an entertainment program.

While Johnson was shaking hands in the audience after his speech, Stevenson entered and went to the stage.

Stevenson spoke about two minutes. He said he was out to see the fair, knew the young people were ready to put on their program and didn't want to keep them waiting. When Stevenson finished, he left the building.

Both candidates were applauded.

ly backing me, but also that I am getting a substantial group from former supporters of the other candidate," Stevenson said.

CITES CAMPAIGNS

Some of the Johnson support has switched to him, he said, because "they are convinced I have conducted a clean and high-level campaign, slung no mud, staged no circus stunts, and made no wild promises."

Stevenson was highly pleased by his courthouse reception.

When he looked in on the County Democratic Executive Committee meeting, his distant cousin, Chairman Arthur Stevenson, stopped the session to introduce the candidate.

There was general applause, and a few committeemen asked that Stevenson make a speech.

"I don't think it would be proper," Stevenson told them. "I just came in to see my old friends and make a few new friends."

Guided by Senator Harris, Stevenson walked from floor to floor at the courthouse and shook hands with everyone he met.

Employees of the County Clerk's office and the Tax Assessor's office rose from their desks to shake hands and promise Stevenson their votes.

"Doesn't he look fine?" a woman clerk was heard to exclaim as Stevenson walked down the hall.

"He's a fine feller, ain't he?" remarked a customer at the County Clerk's desk after getting a handshake.

ASK TO SEE PIPE

Several courthouse employees asked Stevenson to show them his pipe—the candidate's political trade-mark.

Throughout his tour of the courthouse, during which he shook exactly 300 hands, Stevenson didn't mention the Senate race. He just told the folks his name, and almost to a man the reply was, "We're for you."

Stevenson received calls from Dallas members of the Legislature, pledging support.

He will leave for Austin early Friday to make a final campaign speech on a state-wide radio hook-up. Saturday he will go to Kimble County to cast his vote and hear the election returns.

**VOTE FOR
DICK HATFIELD**
Pol. Ad Paid for by Jim Alkin



BABY STORK SAYS: "My mother says that's the bird that brings little storks—but frankly, I don't believe it!"

SEPTEMBER 9, 1948

Oldest Business Institution in Texas

RECHECK OF VOTES GIVES COKE GAIN

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.

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 Democrat-

ic Executive Committee office and one to County Clerk Ed Steger. The sheet sent to Steger never reached the Democratic office.

Actually, Mrs. Harris should have put both machine totals on each sheet.

Arthur Stevenson said Steger told him Wednesday that he still had the sheet Mrs. Harris sent him. Steger presumed that Mrs. Harris had sent an identical report to the Democratic office.

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

See RECHECK, Page 5, Col. 3

Johnson convention

he would go in fighting for the
convention. If John-

RECHECK

Continued from Page 1

the senatorial results and could not take any action on the matter.

Two other major errors by election judges were uncovered in the recheck.

In Precinct 10 at City Park Clubhouse, election officials recorded Hatfield's vote as seven. It should have been seventy. Stevenson received fifty-one votes.

In Precinct 64 in Arcadia Park, the Stevenson-Hatfield results were transposed. Hatfield actually received ninety-one votes, Stevenson seventy-one.

The recount, made at the voting machine warehouse on Hines Boulevard, also revealed that machine seals were broken on at least four machines. One other machine had a seal showing a number different from the seal number shown on the precinct record.

The recount gave Arthur Stevenson a final total of 19,893 votes to 19,699 for Hatfield.

If the results shown on the unreported machine are added to the Senate vote results, Coke Stevenson will have 26,263, Johnson 17,649. The results as certified to Austin last week were Stevenson 26,150, Johnson 17,576.

County Judge Al Templeton and Dixon supervised the recount. Members of the canvassing subcommittee, Democratic Secretary J. A. Wynes and representatives of Hatfield assisted in the recount.

THE DAILY TIMES HERALD

"FIRST IN DALLAS"

HERALD SQUARE

DALLAS 2, TEXAS

Sept. 9, 1948

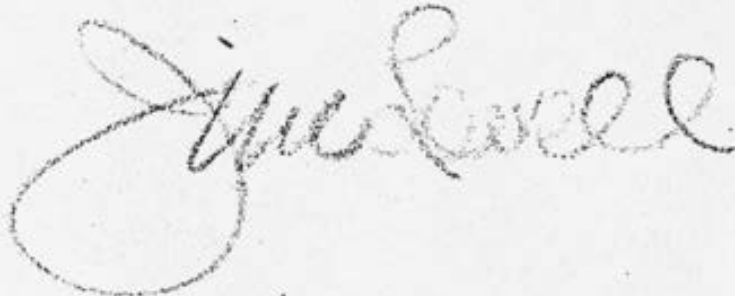
SEP 10 1948

Lyndon--

Inclosed is the material on Arthur Stevenson, also the two stories I mentioned, also today's story.

After I talked with you, Mr. Cooch decided to go ahead with the story on the basis developed. As a matter of fact, the Associated Press had a story on the wires in response to questions submitted by Houston Harte, questions similar to the ones you posed.

A little backfire on the bloc-voting charge can be built in Harris county with the 14,118 plurality Stevenson got in the second primary. Harris was the only big county which gave Stevenson more votes in the second primary than he got in the first. And practically everybody agrees that Harris county violates the election laws in its announcement of returns during the period polls are open. This probably is the most prejudicial action that could be taken during an election and is why the election laws forbid it.

A large, stylized handwritten signature in dark ink, appearing to read "J. Lee". The signature is written in a cursive style with a large loop at the beginning and end.

Stevenson Gets Court Order To Block Johnson Certification



JOHNSON, WIFE INTRODUCED—Rep. Lyndon B. Johnson and his wife are introduced to the State Democratic Convention in Fort Worth by convention permanent Chairman Tom Tyson (left) after the convention voted to certify Johnson as the party's candidate for United States senator.

FINAL RESULT OF SENATORIAL RACE IN DOUBT

EX-GOVERNOR'S ATTORNEY
SAYS INJUNCTION SUIT
WILL BE FILED

By JAMES V. LOVELL
The Times Herald Staff Correspondent
Fort Worth, Sept. 15.—
Texas' senatorial race was more unsettled than ever Wednesday after Federal Judge T. Whitfield Davidson issued a restraining order against certification of Lyndon Johnson as the Democratic party's nominee.

The order was granted at 6:20 a. m. in Harrison County, where Judge Davidson is visiting at his sister's ranch, according to a Stevenson spokesman, and is returnable at Fort Worth Sept. 21.

Deadline Set.

Deadline set by the secretary of state for certification of candidates is Sept. 17.

An injunction suit was to be filed in Fort Worth during the day, C. C. Renfro of Dallas, attorney for Stevenson, announced.

The restraining order was the opening gun of an anticipated

—AP PHOTO.

court fight of Stevenson against Johnson, who was overwhelmingly certified by the Democratic state convention Tuesday night as the nominee, after returns had shown him the winner in the Democratic primary by 87 votes.

The petition for the restraining order was filed by Dan Moody, Renfro and Josh Groce of San Antonio, all Stevenson aides. Renfro made a plane trip Tuesday night to place the petition before Judge Davidson.

Order Detailed.

The order, a double-barreled affair, restrained:

1. Tom Tyson, as chairman of the convention, from forwarding certification to the secretary of state, and

2—Vann Kennedy, executive committee secretary, from filing a certification of Johnson's name for a place on the ballot.

Meanwhile, it was reported here that a letter containing the certification of Johnson, had been mailed to Brown at Austin Tuesday night. A telegram was reported to have been dispatched by Stevenson aides notifying Secretary of State Paul Brown of the restraining order, in attempt to halt filing of Johnson's name should Brown already have received the certification.

But from Austin the Associated Press reported that a spokesman for Brown's office said that no telegram has been received at the office concerning a restraining order. Brown was not in his office and a secretary said she did not know whether he had returned to the capital from Fort Worth, where he attended the convention.

Miss Maurine Willis, chief of the administrative division of the secretary of state's office, said no certification of Johnson as the

Democratic nominee has been received.

Meanwhile, from The Times Herald Washington Bureau came a report that a decision by the Department of Justice on whether it will investigate charges of fraud and violations of civil rights in the run-off primary still was being delayed.

Clint Small, an attorney for Stevenson, said here that the court action taken by his group is to restrain the denial of civil rights under a "recently revived civil statute."

"The petition alleges that votes in Precinct 13 of Jim Wells County were added to the total filed by the election judges in that precinct long after the polls closed Saturday night," he said.

Renfro told The Times Herald that the Sept. 17 deadline for filing of nominees is "the deadline set by the secretary of state, not set by law, as a compromise date" and the court action would not necessarily prevent the filing of a candidate's name in time for a place on the ballot.

Johnson Confident.

Senator-Nominate Johnson faced the future Wednesday with confidence generated by the thunderous indorsement given him by hundreds of convention delegates Tuesday night.

Johnson and his wife, Mrs. Bird Johnson, were presented to the delegates after they had been in tumultuous and tiring session for about 12 hours. Chairman Tom Tyson of Corsicana had hinted to the convention earlier that the successful candidate would appear shortly on the platform to address the convention.

The promise charged the convention with more enthusiasm than it had developed at any time previously during the day's session. After the important canvassing committee had recommended certification of Johnson's place on the November ballot, the convention gave its approval with a tremendous viva voce vote.

Chairman Tyson named Charles L. Francis of Houston, Alvin J. Wirtz of Austin, Currie McCutcheon of Dallas and J. M. Combs of Beaumont as a committee to escort the Johnsons to the platform. There were cries from throughout the convention hall: "What about Ed Lloyd, Jr.?" Tyson immediately expanded the committee to include Lloyd, whose dramatic defense of the vote in Jim Wells County had swung sentiment to Johnson in his appearance before the state executive committee Sunday night.

Resolution Dies.

The vote of the committee Sunday night was 29 to 28. At that time the minority group gave notice of an appeal to the convention. It failed to materialize Tuesday although Stevenson's attorneys circulated on the convention floor a resolution that was offered to the resolutions committee of the convention. This resolution died in committee.

This resolution asked that the Department of Justice make an investigation of voting in Jim Wells County and cited alleged irregularities in Duval, Zapata, Webb and Starr counties.

When the canvassing committee took up the senatorial returns, it voted 28 to 4 to accept the certification, without qualification, as recommended by the executive committee. A minority report from the convention committee was precluded because 10 signers were required for such action.

Effort Abandoned.

With that, Stevenson's effort to prejudice the official returns declaring Johnson the senatorial nominee was abandoned before the convention. What further steps the defeated candidate will take will probably be in the courts, where Johnson's certificate will be defended vigorously.

In his brief appearance before the convention which stood and applauded with lusty cheers when Chairman Tyson introduced him by saying, "Now we'll have two Democratic senators," Johnson referred to his campaign program of peace, preparedness and progress.

He lauded the late Franklin D. Roosevelt as a "personal friend" and pledged that he will support the Truman-Barkley ticket in November. He said there was "no room in my heart for bitterness toward those who opposed us."

Among those sitting on the platform at the time were Albert Sidney Johnson and Mrs. G. G. Pierson, the Dallas members of the executive committee who supported Stevenson in the senatorial fight. They were replaced on the committee later in the evening.

(July 1948)

Democratic Loyalty File.

Calvert Calls Move 'Futile'

POST 7-30-48

Morrow Urges Texas Referendum for Dixiecrats

HILLSBORO, July 29. — (AP) — Robert W. Calvert, chairman of the State Democratic executive committee, said Thursday a referendum on presidential preference in the second primary Aug. 28 would be a "futile gesture."

CALVERT SHARPLY criticized the movement to get a referendum before the voters.

His views were expressed in a seven-page document issued from his office here.

He said:

"1. It is doubtful whether the state executive committee has any legal authority to order such a referendum;

"2. Such a referendum would be wholly impractical and ineffective for mechanical reasons;

"3. Such a referendum would not be effective to attain the results sought and would be a futile gesture."

GOVERNOR BEAUFORD Jester

See CALVERT SAYS
Page 4, Column 4.



ROBERT CALVERT

Wright Morrow of Houston, Democratic national committeeman from Texas, said Thursday that he favors submitting the question of presidential nominees to a vote of the people.

In a lengthy statement setting out his views, Mr. Morrow said he did not hold with the idea that a referendum on the question would be "illegal or extra-legal" or "faithless" to the Democratic party.

THE TEXT OF Mr. Morrow's statement:

"The Brownwood convention of the Democratic party of Texas sent its delegates to the Philadelphia convention definitely instructed to oppose the Truman civil rights program; to seek a strong declaration reaffirming the rights of the states to control their domestic affairs as fixed in the Constitution—the right to 'home rule'; to recognize the right of Texas as a sovereign state to ownership of its sub-



WRIGHT MORROW

THE HOUSTON POST
Friday, July 30, 1948

(Continued From Page 1.)

merged lands; to seek the restoration of the two-thirds nominating rule of candidates for President and Vice President; to oppose all the implications and encroachments of Communism on our American life; and to seek the nomination of men holding to these views.

"The delegation to Philadelphia, with Governor Jester as chairman, worked earnestly to do everything possible to influence the national convention to recognize our beliefs and principals. Our program was wholly defeated. Through the ef-

forts of Governor Moody and Mrs. Wehnert on the resolutions committee and through my efforts on the rules committee, we presented minority reports to the convention carrying out our instructions. These minority reports were voted down by the Philadelphia convention. Though Governor Jester, former Governor Moody, Mrs. Wehnert, national committeewoman, and Attorney General Price Daniel used their most earnest and persistent efforts to get recognition of the rights of Texas in her tidelands, the revenue from which goes to our schools, the convention refused.

With the help of other delegations, we were able to defeat a federal ownership program of the tidelands.

"THE TEXAS delegation was consistent in its choice of a candidate for President. They voted for Senator Richard B. Russell of Georgia, a Democrat of our faith. The Brownwood convention declared in its resolutions that the duty and loyalty of citizens to their country and to its Constitution are higher than any duty to any political party and condemned the Truman civil rights program, but the con-

ecutive order otherwise activated and put into effect certain of these so-called civil rights. In doing so, particularly in the military establishments of our country, he has gone against the advice and counsel of General Eisenhower's testimony before the military affairs committee. Congress is now in session, and both the Democratic party and the Republican party are committed to a civil rights legislative program. The Southern contingent of the Democratic party has formed a coalition to undertake by every means possible to defeat this character of legislation which they believe invades the constitutional rights of the states and of the people.

"We are then confronted in Texas with this very disturbing situation. There can be no doubt but that the platform of the national Democratic convention disavows what the Democrats of Texas have always believed and in their Brownwood resolutions again stated as democratic principles. There can be no doubt but that this platform espouses practices and principles thoroughly objectionable to a large segment of the Democrats of Texas. What, if anything, can be done about this situation at this time?

"THERE HAS BEEN proposed that the Democrats of Texas be given the opportunity at the August runoff primary to express their views. The state committee meeting Aug. 9 certifies to the various counties the ballot to be used in the August primary. The state committee apparently will be asked to present to the Democrats of Texas this question of how they now feel on the subject of the national Democratic platform and candidates.

"It has been stated publicly that the committee has no legal authority to put this question to the Dem-

ocratic resolution canceling the nomination of those 15 nominees for electors and substituted others in lieu thereof. The question before the court was whether the September convention had the right and the authority to make this cancellation and substitution.

"The supreme court of Texas held that there was no statutory provision directing how a political party should select its nominees for presidential electors; that the party was free to follow any method it chose in keeping with party usage and custom and that if it was the will of the majority of the party that such nominees for electors should be substituted, the convention had a right to do so.

"In discussing this matter the supreme court made it plain that the same authority which made the nominations in the first instance

could withdraw them and substitute the names of others in their stead so long as there was no fraud or oppression and the members of the party were given a reasonable opportunity to express their views. In this connection the court said this:

"A POLITICAL PARTY is a voluntary association instituted for political purposes. It is organized for the purpose of effecting the will of those who constitute its membership and it has the inherent power of determining its own policies."

"Further, the supreme court said: 'The power to determine the policies of the party including the power to determine who shall represent it in the selection of the President and the Vice President of the United States when not otherwise provided by statute or by rule of the party association resides in the state convention of the party.'"

"The court went on to show that

"I am sorry, indeed, to disagree with my friend, Governor Jester, for whom I have high regard and strong personal affection. I have given him my continuous and enthusiastic support for years, and I am happy at his reelection, but I must be candid and fair to myself.

"I DO NOT FEEL that giving a right to vote on this subject now would violate any law or obligation, but it would allow the Democrats of Texas to now, in the light of present conditions, give full expression to their views. To me it is an equitable and appropriate thing to do. It is not unfair; it is not unworthy, but it is plain, straightforward practical Democratic sense.

"I do not in any sense countenance a fourth party. I think this would be both unwise and improper. I am not in favor of any such movement. Certainly the Republican party with its program furnishes no opportunity for Texas Democrats who believe in our principles. Certainly the Wallace party is beyond the pale. We need no fourth party; we need to keep the Democratic party and its true principles. The Democratic party itself is the party of the Constitution. We should keep the Democratic party for its traditions and for its significance and for its ideals. We should not allow anyone to usurp the name or the traditions. We should not abandon the Democratic party. We should rebuild the Democratic party. If we are faithful to its principles, forthright and candid in our opinions, and courageous enough to publicly state our position, we may, in this way, reinvigorate and rebuild the Democratic party.

"From what I have learned since I returned from Philadelphia, there are many people in all sections of Texas, all of whom are Democrats, who want the right to express their views on this critical and important subject.

"I WAS STEADFASTLY stubborn

Calvert Says Plan Is Futile

(Continued From Page 1.)

already had issued a statement calling the referendum proposal both impractical and illegal.

The referendum is scheduled to be a major issue at county conventions throughout the state Saturday, a fight which will not be settled until the Sept. 14 convention at Fort Worth.

The states' rights are demanding the issue of whether Texas Democrats desire to support Truman, the national party nominee, or Thurmond, the Dixiecrat nominee, be submitted to a vote of the people on Aug. 28.

CALVERT ALSO pointed out the state executive committee does not meet again until Aug. 9, while absentee voting begins the preceding day, Aug. 8, in the second primary. Thus it would be too late to add anything to the ballot.

"Furthermore, action by the state executive committee ordering a referendum would not be binding on party officials who are charged with the duty of making up the ballot in the various counties, and many of them would simply refuse to comply with any such order," Calvert said.

In regard to his third point, Calvert said: "Truman and Barkley, and no other persons, are the nominees of the Democratic party."

THE STATE CHAIRMAN continued:

"Those who do not wish to vote for Truman and Barkley can vote the Republican ticket if they wish. Or they can form a political party of their own, just as the Texas Regulars did in 1944.

"After forming their party, they can then place the names of Thurmond and Wright on the ballot, and the people of Texas would have a free and open choice in November between Truman and Barkley, Dewey and Warren and Thurmond and Wright," he said.

tion to support the nominees of the Democratic party.

"In the Texas caucus in Philadelphia I held steadfast to the instructions of the Brownwood convention as I interpreted them, that we were obligated to carry out our instructions from the Brownwood convention. By these instructions I am bound today, but there remains unanswered in the minds of the Democrats of Texas the question of whether in view of what has happened since the Brownwood convention the Democrats of Texas still feel as they did feel, and whether or not they desire to change their instructions to the electors nominated at that convention. There can be no sort of doubt but there is a wide dissatisfaction among the Democrats of Texas with the results of the Philadelphia convention and the ensuing happenings since that time.

"What has happened to change the conditions?

"AFTER THE DECLARATION of the Philadelphia convention going further even than the leadership demanded on the so-called civil rights program calling for an activation of that program, President Truman called a special session of Congress and called for legislation on these subjects. This is the same legislation which the Brownwood convention declared its unalterable opposition to and said it was contradictory to the principles of the Democratic party. It now appears that President Truman has by ex-

mary. While I have had no part in presenting this matter to any of the officials of the party and have not been consulted thereon, I am not impressed with the argument that such a matter would be illegal or extra-legal. Neither am I impressed with the statement that it would be faithless to the Democratic party. I believe there are many Texas Democrats as loyal as ever lived who prefer to believe that they are faithful to the principles of the Democratic party which they so recently enunciated at the Brownwood convention, but they want the right to express themselves now.

"The Supreme Court of Texas in 1944 in the case of Seay vs. Latham 182 Southwestern, Second Series, Page 251, set out a chart which seems to me to have as much application to the situation here as it did to the facts involved in that case.

"THE COURT WAS there dealing with a situation where 15 of those named as electors in the May convention of the Democratic party (held in Austin that year) had publicly announced they would not cast their votes in the electoral college for the nominees of the national party made at the national convention. The September convention of the Democratic party (the same character of convention to be held on Sept. 14 this year) had passed

the public profession of the electors that they would not support the nominees of the national convention) had been taken up in precinct and county conventions preceding

the September state convention; that public discussion on the whole subject had been held; and said the convention had the clear right to decide this matter and substitute the names of other electors who would represent the party, if the majority of the party decided. The court used this significant language:

"TO HOLD OTHERWISE would force the party to retain as its representatives those who are no longer agreeable to it."

"Do the Democrats of Texas still desire the electors they named at the Brownwood convention to cast their votes for the nominees named by the national Democratic party at its Philadelphia convention or do they prefer them to cast their votes for some person or persons who profess publicly and believe in the principles of the Democratic party as announced in the resolutions of the Brownwood convention?

"I know of no express prohibition under the law which would prevent this matter being presented to the Democrats of Texas in a free election where as many as a million Democrats may vote and thus give expression to their views.

stood by the instructions of the Brownwood convention. I still stand by those instructions, but I do not believe it is within our right to prevent the people—all the Democrats of Texas—from passing on this subject themselves. Their decision, now, unimpaired—to vote as Democrats—will be the result of their deliberate consideration. If they are given this opportunity, their decision should prevail with the September convention. For my part, I would feel bound by their decision in such an election. I do not undertake to say how the people should vote, but I do think they ought to have the right to vote.

"I was nominated national committeeman of Brownwood, I was confirmed by the convention in Philadelphia. The Democrats, who nominated me at Brownwood, had deep convictions as they expressed their resolutions on the fundamental ideals and principles of the Democratic party. I believe I know how they feel. In the language of the supreme court of Texas:

"A presidential elector is selected by the party as its nominee primarily to effectuate its policies and register its will in respect to a particular candidate."

"Since I believe deeply on this subject—since I am in the position I occupy—I feel impelled to make this public expression of my faith. I believe the Democrats of Texas are entitled to express their views on this question."

REFERENDUM PLAN BACKED BY MORROW

CHRONICLE 7-30

Vote on Putting Dixiecrat
or Truman Slate on Bal-
lot Is "Equitable Thing,"
Dem Leader Asserts.

A presidential referendum in
Texas is the "equitable and ap-
propriate thing to do," National
Democratic Committeeman Wright
Morrow of Houston said Friday.

The referendum would let the
voters decide at the August 28
runoff election whether the Tru-
man-Barkley or the Thurmond-
Wright Dixiecrat nominees should
go on the November general elec-
tion ballot in Texas.

Mr. Morrow recalled that the
state presidential convention in
Brownwood last May instructed
its delegates to the national con-
vention to oppose civil rights; to
seek a party declaration reaffirm-
ing states' rights; to get recogni-
tion of the right of Texas as a
sovereign state to ownership of its
submerged lands; to seek restora-
tion of the two-thirds rule for
nominating presidential and vice-
presidential candidates and to
back nominees holding these
views.

Mr. Morrow said that he and
the other members of the delega-
tion followed these instructions.

The national convention turned
down all these requests and even
went further by adopting a strong-
er civil rights plank than the Tru-
man administration had sought,
according to Mr. Morrow.

This, he said, changes consider-
ably the conditions under which
the Brownwood convention acted
in instructing its national dele-
gates.

"There can be no doubt but that
the platform of the national con-
vention disavows what the Demo-
crats of Texas have always be-
lieved and, in their Brownwood
resolutions, again stated as demo-
cratic principles," Mr. Morrow
said.

Issue Up to Committee

"It has been proposed that the
Democrats of Texas be given the
opportunity at the August runoff
primary to express their views.
The state committee meeting Au-
gust 9 certifies to the various
counties the ballot to be used in
the August primary. The commit-
tee apparently will be asked to
present to the Democrats of Texas
this question of how they now
feel on the subject of the national
Democratic platform and candi-

July
1948

Morrow Calls For Referendum Believes Decision Up to Voters

Always staying within the frame-
work of the Democratic Party and
trying to recapture it from its
present leaders, National Commit-
teeman Wright Morrow believes
Texas Democrats are entitled to
vote on whether or not their elec-
tors should support Truman.

Mr. Morrow recounted how the
Texas Democrats met in Brown-
wood in May and set up a slate of
stipulations for their delegation to
follow in the national convention
in Philadelphia where Harry Tru-
man was nominated by the Demo-
crats for the presidency.

Beaten in Philadelphia

"Our (the Texas) program was
wholly defeated," said Mr. Mor-
row in a lengthy statement cover-
ing the Democratic presidential
controversy and the civil rights pro-
gram.

"... In Philadelphia, I held stead-
fast to the instructions of the
Brownwood convention as I inter-
preted them. By their instructions,
I am still bound today, but there
remains unanswered . . . whether
or not they (Texas Democrats) de-
sire to change their instructions to
the electors nominated at the
Brownwood convention . . ."

Then Mr. Morrow drew a line
between himself in the middle, the
Dixiecrats who are howling for
Thurmond on the one side, and
Governor Jester on the other. His
stand was that the Dixiecrats ought
to have their referendum, but that
they should not set up any sort of
a fourth party.

"I am sorry indeed to disagree
with my friend, Governor Jester. I
am happy at his re-election, but I
must be fair and candid with my-
self," continued Mr. Morrow.

Against Fourth Party

"I do not feel that giving a right
to vote on this subject (on whom
the electors should support) would
violate any law or obligation, but
it would allow the Democrats of
Texas now—in the full light of pre-
sent conditions—to give full expres-
sion to their views."

"I do not in any sense counte-
nance a fourth party. Certainly the
Republican party (which also con-
tains a civil rights program) fur-
nishes no opportunity for Texas
Democrats. Certainly the Wallace
party is beyond the pale . . . We
should rebuild the Democratic
party."

"If the people of Texas are given
this opportunity (of voting in a ref-
erendum) their decision should be
final."

"I do not undertake to say how
they should vote, but I do think
they ought to have the right to
give expression to their views."

"It has been publicly stated
that the committee has no legal
authority to enter this
question in the August pri-
mary. While I have no part in
presenting this matter to any
of the officials of the party
and have not been consulted
thereon, I am not impressed
with the argument that such a
matter would be illegal or
extra-legal."

"Neither am I impressed with
the statement that it would be
faithless to the Democratic party.
I believe that there are many
Texas Democrats as loyal as ever
lived who prefer to believe they
are faithful to the party principles
which they so recently enunciated
at the Brownwood convention, but
they want the right to express
themselves now."

Mr. Morrow recalled that in
1944 the Supreme Court of Texas
held that the September conven-
tion can change the instructions
and change electors of the May
convention. He cited language of
the court in this decision to em-
phasize his point that such changes
are affairs of the party and can
be made.

Sees No Local Ban

"Do the Democrats of Texas
still desire the same electors they
named at the Brownwood conven-
tion to cast their votes for the
nominees named by the party at
its Philadelphia convention, or do
they prefer them to cast their
vote for some person or persons
who profess publicly and believe
in the principles of the Democratic
party as announced in the reso-
lutions of the Brownwood con-
vention?" Mr. Morrow asked.

"I know of no prohibition under
the law which would prevent this
matter being presented to the
Democrats of Texas in a free
election where as many as 1,000,
000 Democrats may vote and thus
give expression to their views."

8/10/48
56712
Houston Chronicle

Democratic Loyalty File

Dixiecrats control July County Convention - Truman Faction Bolts Meeting and holds own Convention. While Wright Morrow, National Committeeman was speaking to the Dixiecrat-Dominated group in City Auditorium the Convention of Loyal Democrats in the Criminal Courts Bldg were demanding his removal.

Press 7/31/48 'Loyals' Bolt, Hold Parley Of Their Own

Referendum on Presidency Slated

By JIM CARROLL
Press Political Editor

After winning the County Democratic Convention and watching the "Loyal Democrats" walk out, the victorious Dixiecrats today passed a resolution demanding a statewide referendum vote between their man for president, Governor Thurmond, and Harry Truman.

The resolution was a punch in the political nose for Gov. Jester, heretofore good friend of this Dixiecrat type of Democrat, for Gov. Jester already has refused to consider a referendum. It was aimed at the Jester-dominated State Democratic Executive Committee and indications were it will be pressed hard at once and in September in this state convention.

Sweep Convention

The Dixiecrats swept the convention easily, winning the one and only test vote called for by 1209-508. This one-sided result was nearly countywide in scope and showed greater popular support by far for the anti-Truman Dixiecrats.

About 1000 of the 2500 Democrats sweltering in City Auditorium made the bolt, following Mr. Smith, Sam Low, Mayor Sam Hoover of Pasadena and others.

When the convention opened there were about 200 Negro delegates seated in the balcony and representing eight of the county's precincts.

Not a Negro was left in the hall when the walkout ended.

They all went with the "Loyal Democrats" to support President Truman and his civil rights program.

that they will be recognized at the state convention even though they refused to take the pledge of loyalty, a condition that Gov. Jester has been insisting upon.

"This is the real Democratic convention," said Palmer Bradley, "Dixiecrat" leader.

"We are assembled here to support the nominees of the Southern Democratic Party. Harry Truman and his people have deserted the South, have ignored the South. With their so-called civil rights program they are trying to ruin the South."

Wright Morrow, the No. 1 Texas Democrat as this state's national committeeman, repeated a previous statement that he thought Jester should allow the referendum. While Mr. Morrow spoke to the Dixiecrats, the bolting "Loyal" Democrats were passing a resolution asking his removal from the office of national committeeman.

Walkout of the "Loyal Democrats" came immediately after the only vote that was taken during the convention—the 1209 to 508 contest won by the "Dixiecrats."

The "Dixiecrats" swept all sections of the county. There were no solid areas either for or against Truman, as were noted in the days of the Texas Regular fight against the late President Roosevelt.

"This vote (favoring the "Dixiecrats") today convinces me that folks are sick and tired of Harry S. Truman," said Mayor Curley.

"It should show that neither Harry Truman nor the Boston convict Mayor Curley, nor Boss Hague, nor anyone else from outside can tell us in Texas how we have to treat the red man, the white man or any other kind of man—we know segregation of the races is the best way."

To Punish Betrayal

Said Mr. Bradley:
"We are betrayed in the house of our fathers and it shall not go unpunished. . . . Harry S. Truman has never been elected president, and he never will be."

"If government by minority group must prevail in this country as those who have seized the Democratic party, apparently believe, let me remind them that the South is the largest minority group of all, with 129 electoral votes. This year we mean business."

July
1948

"For the South the election in this next president is life or death, now or never."

Leaders in the "Loyal Democrat" crowd were stationed at vantage points and were watching Sam Low and J. Edwin Smith for the signal to take them back to the Criminal Courts Building to organize their own convention.

It was obvious that the signal for the bolt was the words spoken by Smith. "This is no longer a Democratic convention—." A mighty roar both of boos and of cheers greeted that statement. The boos coming from the "Dixiecrats" happy over their victory and the cheers from the "Loyal Democrats." As their group began its bid for recognition.

"There was no reason for the test vote—we would have let them have it by acclamation, but we did want to test them on party loyalty and whether they would take the pledge," said Sam Low "Loyal Democrat" leader.

The test vote came when Mr. Smith of the "Loyal Democrats" moved that the convention take the regular pledge of allegiance to party nominees. Mr. Bradley countered with a motion to postpone action on the pledge. The test vote was on Mr. Bradley's motion.

The City Auditorium was steaming hot as the convention opened and the 2500 Democrats, perspiring, shouting, booing and stamping, sent the temperature almost to the boiling point.

Anti-Truman forces win State Convention - Wright Morrow nominated
National Committee member.

STATE CONVO.

5

Jester-Calvert Forces Bow To Harris Group

Split May Hurt Morrow Bid For Committeeman

By JACK GUINN

Post Staff Correspondent

BROWNWOOD, May 24. Harris county opposition precipitated the ditching Monday of Tom Tyson of Corsicana as a candidate for permanent chairman of the Democratic state convention here.

THE MAN who had been approved and, some said, nominated by Governor Beauford Jester, was put aside as a candidate by the

More Politics on Page 4, Section 1.

Jester-Bob Calvert forces in favor of Maj. Gen. Albert Sidney Johnston of Dallas, state Democratic committeeman from Dallas county.

Excitement in the Harris county convention began Sunday night when Palmer Bradley walked angrily from the room in which nine men, representing nearly all factions at the convention, held a "harmony" caucus which did little else but virtually elect Fred Minor of Denton temporary chairman.

State Democratic Chairman Calvert said his group—the pro-Jester-pro-"uninstructed delegation" group—would elect Minor two to one and control the convention.

MONDAY IT was said members of the Harris county delegation had a sleepless night over the Jester nomination of Tyson. They like Jester, but they don't like Tyson.

Monday afternoon it was decided General Johnson should be the candidate for temporary chairman.

The argument over Tyson was the first tangible indication of a split in the Jester-Calvert forces which had been taking shape in many a smoke-filled room and which, some felt, endangered the election of Wright Morrow of Houston as national Democratic committeeman from Texas.

There were forces within the Jester-Calvert group, some said, who would go along with everything but the election of Morrow. None would go so far as to endorse the Truman forces' candidate, Mayor Tom Miller of Austin, whose friends were actively campaigning at Brownwood with sound trucks.

FRED MINOR ASKS LOYALTY TOWARD PARTY

Pro-Truman Group Loses

Early Test by Close Vote;
Morrow Given Edge for
National Post.

By Everett Collier and E. L. Wall
Staff Correspondents

Brownwood, May 25.—Fred Minor of Denton was elected temporary chairman and keynoter of the state convention of Texas Democrats here Tuesday by acclamation immediately after a coalition of anti-Truman forces won a close victory in the first test vote of the convention.

The pro-Truman forces took a beating from two other factions—the organization—Jester wing and the states' rights group, which leans toward the Southern revolt against the president's civil rights program.

Minor, in his keynote speech, advised Texas Democrats not to desert the party and urged the convention to choose delegates whose democracy "is without spot or blemish."

"We should send delegates to the national convention instructed as to principles but uninstructed as to candidates," he advised.

A further test was in the offing. There are two candidates for national committeeman—Dwight Morrow of Houston of the anti-Truman group, and Mayor Tom Miller of Austin, of the Truman backers. A contest on this would provide an unequivocal issue.

The first test vote was brought on quickly in a surprise move by Woodville Rogers of San Antonio, state leader of the pro-Truman forces. The vote was on a proposed amendment to the state executive committee's recommendation for convention procedure. The move by Rogers provided for selection of national convention delegates by congressional district caucuses, binding the convention to these choices.

As adopted after the test vote, the executive committee report provides that persons named as delegates by the district caucuses are subject to committee action before being submitted to the convention.

On the roll call vote, the anti-Truman coalition won, 1047 7/35 to 993 28/35 for Rogers' group.

The roll call took almost two hours. There were six issues on which it was predicted roll call votes might be necessary, so the delegates settled down for a long and hard-fought session.

Rogers said the result was so close he would try again later in the convention. Earlier, he had said he considered it a clear-cut fact and that he would

The battle became intense Monday, but after numerous conferences it was agreed Brig. Gen. Albert Sidney Johnston of Dallas would be the candidate of the coalition forces for permanent chairman.

The right wingers began insisting on showdowns, however, in the intracoalition caucuses. In a conference preceding the caucus of Harris County delegates, the coalition group agreed to a complete slate of right-wing appointees to convention posts. The caucus then proceeded in steamroller

Reason for Agreement

The Jester forces said they made an agreement because their chief objective at the caucus was the furtherance of the candidacy of Wright Morrow, Houston attorney, or national Democratic committeeman from Texas.

Both right wingers and Jester forces are backing Morrow. The pro-Truman forces are backing Mayor Tom Miller of Austin for national committeeman.

Arthur LeFevre opened the Harris County caucus by proposing a motion of thanks to Lewis Dickson, chairman of the Harris County delegation. Dickson is regarded as a member of the Jester forces.

The motion was seconded by George Charlton of Tomball, a right wing leader, and Palmer Bradley, Houston, who was temporary chairman of the Harris County convention May 4. Bradley said the coalition forces would have won over the pro-Truman forces at the county convention if it had not been for the work of Dickson.

Notes of Thanks Given

Votes of thanks were given also to W. N. Michels and Mrs. Sam H. Davis, state committeeman and committeewoman from Harris county.

The caucus named the following convention posts: Dave Thompson, University of Houston student, Harris County member on the credentials committee; E. E. Barnes, on the resolutions committee; W. R. Archer, on the committee on permanent organization; Palmer Bradley, to the committee on presidential electors; Mrs. Davis, on the committee on delegates to the national convention; Milner and J. C. Cutbirth, delegates, and M. C. McGehee and Charlton, alternates, to the national convention, in Texas.

87611948
Houston Post-Apr. 29, 1948

States Rights Group Fails To Rule Out Bolt

Palmer Bradley, Wright Morrow Are Endorsed

By SAM BOENIG

A strong faction of Democrats took a wait-and-see attitude Thursday night on bolting the Democratic party if Truman is nominated.

The group is the well organized Democratic States Rights Defense

More Politics on Page 6, Section 1.

committee, composed chiefly of Jester supporters.

IT MADE plans to try for control of the precinct and county Democratic conventions in Harris county.

The group has one main aim: to oppose the nomination of anyone who advocates or supports the Truman civil rights program.

Some 250 members at the meeting, in the Rice hotel, voted unanimously in favor of sending an uninstructed delegation to the state and national Democratic conventions.

THEY WILL take the resolution to the precinct conventions Saturday.

The group also voted to support its own chairman, Palmer Bradley, for temporary chairman of the Harris county Democrats.

The group differed somewhat from the program set forth by Governor Beauford Jester on April 20. Governor Jester advised against bolting the Democratic party.

Mr. Bradley's phrase was "Let's wait and see what the other Southern Democrats do."

HE REFERRED to a meeting of Southern Democrats in Jackson, Miss., set for May 10.

Mrs. Sam H. Davis, state Democratic committeewoman from Harris county, urged the group to send a large delegation to the Jackson meeting.

The group also voted unanimously to support Wright Morrow for Democratic national committeeman.

Mr. Morrow already has Governor Jester's unofficial blessing for the post.

Mr. Morrow urged the group to work for the defeat of anyone who supports the civil rights program.

"I HOPE I live long enough to see the Democratic party get rid of the Wallaceites and big city bosses who have ruined its name," he said.



ANTI-TRUMAN LEADERS—Members of the Democratic States Rights Defense committee voted to support Palmer Bradley, right, for temporary chairman of the Harris county Democrats. The group wants an uninstructed delegation at the national convention. It voted to support Wright Morrow, left, for Democratic national committeeman.

—Staff Photo.

Bob Henderson, who was Governor Jester's 1946 campaign manager in Harris county, told the group that Governor Jester "is for everything advocated here tonight."

"I do not think he will bolt the party, though. He believes we should make the best trade we can within the party," Mr. Henderson said.

Mr. Henderson called the Democratic party a "good trade name." He said he did not believe any man who advocated bolting the Democratic party could be elected in Texas.

Lewis Dickson, vice chairman of the group, presented the motions for the resolutions on supporting Mr. Bradley for county chairman and sending uninstructed delegations to the conventions.

Attorney E. E. Townes, presented by Chairman Bradley as an "elder statesman of the party here," said he is alarmed at the indifference of the people toward the civil rights program—that they do not seem to realize it embodies the destruction of our constitutional government.

Mr. Townes said that under our constitution every power which is not expressly granted to the federal government is reserved by the states.

Boyd "Bitterly Opposed"

City Attorney Walter E. Boyd, who said he was attending as an observer, said that he is "bitterly opposed" to the civil rights program and "an admirer of the governor, who offered some good advice at Fort Worth."

Mr. Morrow urged an uninstructed delegation be sent to the national convention and added, "I fervently hope I will be around when the Democrats get rid of the Wallaceites and the big city people who ruin its name and the people who have disavowed their birthrights. I would like to be in the party when it is nothing but states' rights Democrats."

Attorney Lewis Dickson, vice-chairman of the committee, read the resolution which is to be presented at the precinct conventions. He told of the work he and others have been doing to get a states' rights victory in the precinct conventions and the county convention. He has been assisted in the precinct work by Mrs. Polly Strong, national Young Democratic committeewoman from Texas.

APRIL 1948

"Let Anti-Negro" Tomball
George Charlton of Tomball said he thinks the future is dark if the people do not "wake up" and take an interest in public affairs. He is not an anti-negro campaigner, he said. "The negro has to be on this side the line else."

Precincts Sent States Rights Resolutions
Associated Press
Austin, April 30.—Democratic precinct chairmen Friday had mailed requests to push "states' rights" resolutions to precinct and county conventions. The resolutions were signed by the Democratic party in Fort Worth. The resolutions are to be presented at the precinct and county conventions. The resolutions are to be presented at the precinct and county conventions. The resolutions are to be presented at the precinct and county conventions.

Dallas (Tex.) News

SEP 5 1965

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

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

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

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 an election procedure irregularity. Envelopes containing runoff tally sheets were not sealed when presented to the executive committee for canvassing, he said.

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

reached the Democratic office.

Actually, Mrs. Harris should have put both machine totals on each sheet.

REPORT FOUND

Arthur Stevenson said Steger told him Wednesday that he still had the sheet Mrs. Harris sent him. Steger presumed that Mrs. Harris had sent an identical report to the Democratic office.

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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TEXAS
Press Clipping Bureau
DALLAS

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

Date: OCT 19 1948

Duval Election Properly Conducted, Jury Reports

SAN DIEGO, Texas, Oct. 19 (AP). Election officials of Duval County were cleared Monday by the grand jury of alleged election irregularities in the August Democratic primary.

The Duval County grand jury report said "We have made a careful investigation in the manner in which the August primary was conducted. We have called many witnesses and have found no evidence of improper conduct."

"On the contrary, we wish to congratulate the election officials on the orderly manner in which the election was handled."

District Judge L. Broeter had

charged the grand jury to investigate alleged charges of voting irregularities.

Quoted

Dallas (Tex.) Times Herald

SEP 7 1949

Senate Race Suit 260 Question of Day

By FRANKLIN BRADFORD

Whether Coke Stevenson will file a lawsuit contesting results of the United States Senate runoff primary, should official can-

vass show him the loser, loomed as a top question in Texas politics Tuesday.

The State Democratic Executive Committee meets in Fort Worth Monday to canvass the returns. The nominee is due to be certified by the convention the following day.

Stevenson, who is trailing Lyndon B. Johnson by 162 votes on the basis of the Texas Election Bureau's unofficial tabulation, could not be expected to carry his fight into the courts until the State Convention certifies a nominee.

Sept. 17 Deadline

The Democratic party has until Sept. 17 to certify its nominee to the Secretary of State for a place on the Nov. 2 general election ballot.

Vann Kennedy of Austin, secretary of the state party organization, said if the senatorial race

is tied up in litigation at the time of the Sept. 17 certification deadline, "there apparently would be no certification until the matter is cleared in court."

Kennedy said the secretary of state might extend the certification deadline. The courts have held in the past that there is not sufficient time between a runoff and the November election to go properly into a primary contest, Kennedy said.

Stevenson remained silent on his plans. If he has any concrete evidence of election fraud on which he may base a contest, he has made public no details.

Possible Action Described.

One course of legal action open to the loser was described by a high official of the Democratic party who declined to be quoted. He said the loser might immediately file a contest, then ask the Texas Supreme Court for an order

Wilson To Co-Operate.

Dist. Atty. Will Wilson of Dallas has assured both candidates for the Democratic nomination for U. S. Senator that any election law violations in Dallas County will be investigated and dealt with.

He dispatched by wire this message to Coke Stevenson and Lyndon Johnson:

"Any alleged election law violations in Dallas County will be investigated and proper action taken. If you or your supporters know of such violations in this county, you are invited to inform me, and the matter will receive immediate, vigorous attention."

prohibiting the Secretary of State from mailing out general election instructions to counties until the courts rule.

Robert Calvert, chairman of the State Democratic Executive Committee, said the committee, meeting at Fort Worth Monday, does not intend to rule on disputes concerning the votes.

He said the committee would merely add up the totals certified to it by the state's 254 county Democratic committees. Calvert, said the State Committee did not have the power to rule on disputes.

Johnson Sees Threat.

Johnson, in a broadcast from Austin Monday night, said there might be an "attempt to thwart the will of the people" at the Fort Worth convention. He urged his friends to attend the convention "to see there is fair play" when the official tabulation is made.

He struck hard at a statement made by Stevenson last week, declaring that Stevenson had implied that Duval County's vote was for sale.

"If he had evidence to that effect in those years when he received the vote, it was his duty to present the evidence to a grand jury," Johnson declared.

"If he has the evidence today, it is still his duty. I know that I did not buy anybody's votes."

He said Stevenson carried the county in 1938, 1940, 1942 and 1944. He said other "distinguished Texans" had had big majorities there, and that he would not believe "they bought those votes."

"The plain facts are that all of the hue and cry started only when they fell behind in the voting," Johnson continued. "That makes all too apparent their true concern and purpose, which is to thwart the will of the people."

"That attempt may be made at the state convention if we relax our vigilance. The true story may be told in a telegram sent out last week signed by a member of the Democratic Executive Committee. This telegram asks certain people to be present at the state convention, and it ends with these words: 'Use all of your influence for Coke Stevenson.'"

"I am not asking anybody to use their influence for me, but I am asking that my friends attend that convention. I want you to go there, not to influence anybody or anything, but to see that there is fair play. When they start talking about using influence, it is time for honest citizens to be on their guard. All I ask you to do is to see that the letter of the law is followed."

Johnson said everything was serene in the Stevenson camp "until I took an unofficial lead of 17 votes."

"Then the charges began to fly," he added. "Most of the talk was about bloc votes in one county in Texas."

"Strangely Silent."

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

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

"You weren't told of a 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 asked for an investigation of the Panhandle county where I got 12 votes, nor in the sulphur-producing county where the vote was Stevenson 293, Johnson 35, nor in the precinct along millionaire's row, the River Oaks box of Houston, where Stevenson got eight out of every 10 votes, nor of the hill country where the ratio was eight to one against Johnson."

Sept. 7

CTIONS—PRICE 5 CENTS

No. 343

Party Lacks Right To Probe Election

By RAY OSBORNE

Austin Bureau of The News

AUSTIN, Texas, Sept. 6.—The State Democratic Executive Committee has no legal power to investigate the details of an election, Chairman Robert W. Calvert said Monday.

Friends of Coke Stevenson, trailing Lyndon Johnson by 162 votes in unofficial United States Senate race returns, have threatened to carry their fight before the committee.

Calvert said at Hillsboro that he knew of no legal way in which the committee could go behind the votes certified by the various county chairmen. The committee will meet in Fort Worth next Monday. They will add up the returns from the counties, and report whether Johnson or Stevenson has a majority.

The chairman said he had not talked over the proposed election contest with any members of the state committee but added that "I am confident that the committee will follow the law."

The committee chairman considers the group merely a canvassing agent and not one which can investigate any possible charge of illegal voting or related matters.

Calvert in a telephone interview from Hillsboro pointed to the Ferguson vs. Huggins case in 1932, when the Ferguson forces sought a writ of mandamus to compel the committee to do nothing except canvass the official votes.

The state committee filed an answer to the effect that it was not subject to the charges. The Supreme Court refuses to issue the writ, but held:

The state executive committee has no legal authority to do anything other than canvass the votes and has no power to go behind the ballot lists as certified by a county chairman. Its duty is to determine that there is nothing wrong with the certification. If there is no question about a certificate being authentic, then it is accepted.

Calvert said the committee would consider procedure if and when a protest is filed by a candidate.

"Should the matter be presented to the committee, I am certain that the case of Ferguson vs. Huggins will be brought into the matter and that the committee will follow the law."

There has been some talk of obtaining an opinion from the Attorney General concerning the power of the state executive committee.

Atty. Gen. Price Daniel has pointed out that candidates for office do not have the legal right to seek an opinion. It is believed the Secretary of State is the only person who does have that right. He is charged with handling election matters, such as receiving certification of the candidates of the various parties and preparing sample ballots.

Secretary of State Paul Brown said Monday that the matter of

seeking an opinion is one which has not been discussed with him by either of the candidates or their lieutenants.

"Until then I have nothing before me," Brown declared. "It is a matter which will have to be considered if and when it reaches me."

The matter of canvassing the vote in the Senate race was not discussed Monday when Calvert met with Gov. Beauford Jester, Vann M. Kennedy, secretary of the state executive committee, and Secretary of State Brown.

The four discussed the platform outline for the state convention and possible temporary and perma-

nent chairmen, but made no announcement concerning either the platform or the chairmen.

Stevenson forces have protested lopsided votes in some of the South Texas counties, and also the late changes in voting reports in certain counties that put Johnson in the lead on unofficial tabulations.

The Stevenson backers have suggested an investigation be made.

Thus far, no official agency is known to have moved for a state-wide investigation.

The Senate standing committee headed by State Sen. A. M. Alkin Jr., has the power to launch a probe. It was reported early Mon-

See CALVERT, Page 8, Col. 4

'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 any—
See JOHNSON, Page 8, Col. 5

CALVERT

Continued from Page 1

day in Austin that the committee had been called to act. But Senator Alkin said at Paris that he had no plans for calling the committee, and that no one had asked him to make an investigation.

Senator Alkin said he had the authority to summon the committee if developments appeared to warrant a study of the election.

Meanwhile, there were moves toward regional investigations. The grand jury in Harris County (Houston) is being asked to investigate. This is on a complaint by a Johnson supporter, John H. Crooker, that forty-seven votes for his candidate were tossed aside in the official canvass.

Dist. Atty. Will Wilson, Dallas, pledged an investigation if either candidate should ask. He wired both Stevenson and Johnson assuring them of his help. Johnson hinted earlier in the week that he believed he lost 2,000 votes in the Dallas vote count.

Although Chairman Calvert declares that the Democratic State Executive Committee has no authority to consider voting manipulations, both candidates are concerned about the attitude of the committee. Johnson and Stevenson have had conversations with Gov. Beauford Jester concerning the coming state convention. It is the convention itself that declares the winning candidate for Democratic nomination.

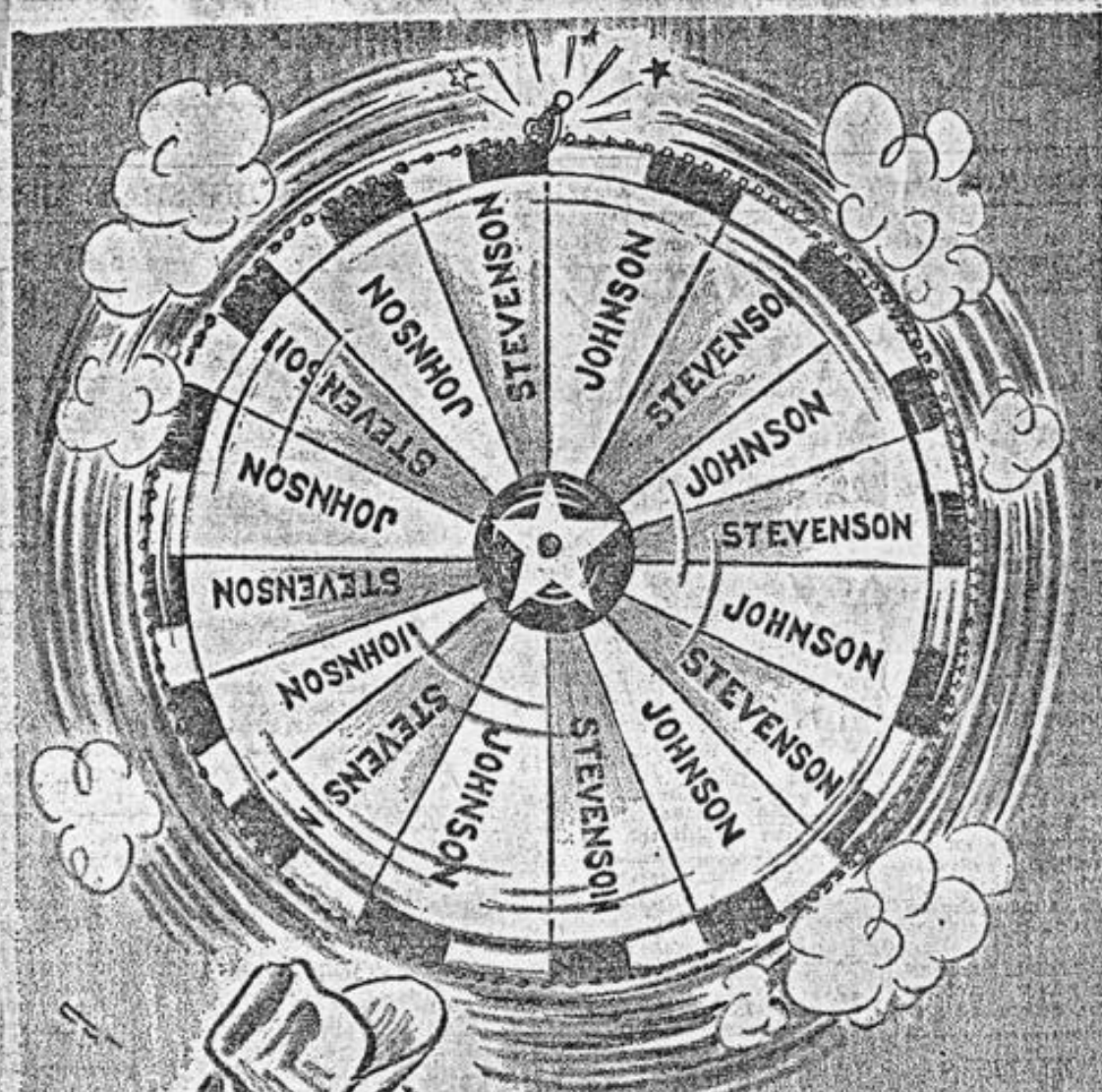
Eight additional counties filed their second primary elections returns Monday with State Democratic Secretary Vann M. Kennedy to bring the total to 152. This leaves 100 to report before the Fort Worth convention. Counties reporting Monday were Bastrop, Galveston, Hunt, Kaufman, Hill, Lamar, Smith and Wharton.

JOHNSON

Continued from Page 1

body'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 re-



HERC—
FICKLEN

"AROUND AND AROUND SHE GOES"

Election Day

To The News:

Today is a serious one in Texas, politically. It is well that each and every participant in the election remember the wise observations on the citizen's responsibility written by John Stuart Mill about 100 years ago: "In any political election, even by universal suffrage, the voter is under an absolute moral obligation to consider the interest of the public, not his private advantage, and give his vote to the best of his judgment, exactly as he would be bound to do if he were the sole voter, and the election depended upon him alone."

"His vote is not a thing in which he has an option; it has no more to do with his personal wishes than the verdict of a jurymen. It is strictly a matter of duty; he is bound to give it according to his best and most conscientious opinion of the public good. Whoever has any other idea of it is unfit to have the suffrage. Instead of opening his heart to exalted patriotism and the obligation of public duty, it awakens and nourishes in him the disposition to use a public function for his own interest, pleasure, or caprice: the same feelings and purposes, on a humbler scale, which actuate a despot and oppressor."

Every voter in Texas should go to the polls armed with the information he or she needs to select the best qualified aspirant to office, especially his choice for United States Senator. These are trying times and call for men and women in office who know the issues and have the training to fill them.

X. CARSON.

5016 Milam, Dallas.

From Coke's Neighbor

To The News:

I don't think I have ever asked for space to express my convictions on any political question before. However, I can not refrain from saying a few words for my long-time friend and neighbor, Coke Stevenson. I have known him for twenty-two years, and I lived about five of these years in Junction, Texas, a close neighbor. I have seen and I have observed his footsteps in all the walks of life. In his private life is where Coke Stevenson really shines at his best.

Whoever named him "Calculating Coke" named him just what he is. He and I do not belong to the same religious group. However, we associate together on many occasions. I regard him as a great constitutional lawyer and a trustworthy counselor with the courage of his conviction on all public questions.

As a lawyer, statesman, friend, the one and only Coke-Stevenson

Johnson's Ideology Unmasked

To The News:

At last Mr. Lyndon Johnson has come out and disclosed the real issue at stake in this senatorial contest. Mr. Johnson calls it opposing philosophies. In other circles Mr. Johnson's "philosophy" as described by himself, is called an ideology. He jeers at the provincial mind that would use the county government to develop the 70-group Air Force, that would depend on local effort to combat foot-and-mouth disease.

(Mr. Truman, on the other hand, says he is out to capture the "whistle stop" voters.)

Mr. Johnson failed to add in this "philosophical" address made before an intellectual audience at Austin, that these functions he mentions, national military preparedness and control of economic pests, have long been under the federal authority.

The ideology of Mr. Johnson and his intellectual friends is well known to all those who believe that the freedom and prosperity of Americans are far greater than that afforded the Soviet citizen. The followers of Lyndon Johnson may not want to cut the Soviet gang-

The News receives many more letters from readers than it can print, especially under present newspaper restrictions. It regrets that it can not print them all. The shorter the letter the better its chance of publication. The News reserves the right to print excerpts unless request to the contrary is made by the writer. Authors' names should be signed. Enclose postage if you wish your letter returned.

just about makes up my ideal of what I think a man's qualification for the United States Senate should be.

JOHN S. NEWMAN,
Minister Retired.

Mart, Texas.

Johnson's Support

To The News:

On the most profound questions of law, statutory and constitutional; on the gravest matters of statecraft; and on the most intricate international relations and delicate foreign policy, your editorial staff modestly assumes to speak as omniscient oracles representing the ultimate thule of the accumulated erudition of the human race.

I was, therefore, dumbfounded when I read your editorials of Aug. 19 and 20 in which you expressed your inability to properly evaluate the character of Lyndon B. Johnson because of the incongruous groups and individuals who are supporting his candidacy for the United States Senate.

You have become so wise and mighty that your stupidity is appalling, and I feel ashamed of you and am sorry for you too. The great Galilean teacher spoke of mysteries that God had hidden from the "wise and prudent" and revealed to "babes and sucklings." He also told his disciples "that he who would be greatest among you must become the servant of all." Wise Sir, Lyndon Johnson is being supported by all of this incongruous mass of people, who represent every shade and hue of political thinking, because he has unselfishly and ably served them all. No wonder so many different factions are for Lyndon Johnson because he has been their faithful servant. Nearly everybody in Texas seems to be for Lyndon except the Republican party and The Dallas News, its principal exponent and loyal devotee.

LARRY MILLS.

Dallas.

Won't Vote for Coke

To The News:

Many times I have voted for Coke Stevenson, who states he is running on his record. Well, this time I am against him, on his record. Last December, about a week before he had announced as an candidate I wrote him a letter to Junction, Texas, telling him I wanted to employ a lawyer (he is supposed to be or to have been one) and that I was soon making a trip to West Texas and to let me know by wire collect whether or not he cared to

sters in on a slice of the spoils when they take over; but they employ the same tactics, "divide and conquer," stir up dissension, scream about civil rights, (See Mrs. Brannin's letter to The News on Aug. 21), tell the worker he should be getting \$1,000 a month, same as the boss, etc.

They want a strong, central government that can ride rough shod over any silly ideas of freedom that ordinary citizens may cling to. They want to start a hand-out system to our schools, so they can then say, "Teach as we tell you, or no more millions!" The very millions they just took from our pocketbooks!

Coke Stevenson is a smart man. He is just letting his record speak for itself, while Lyndon Johnson hangs himself on his own long tongue.

Philosophy, indeed! We don't need philosophers in Washington. We need practical men. These are serious times. Philosophy is for old men who have nothing to do but whittle and spit. Philosophy sounds perfectly wonderful, but it won't do much for a war-sick world.

ALICE RATHLEY.

7618 Roper Street, Dallas.

consider taking my case, and if he did I would go by Junction and talk to him about it on my way out west. He did not answer.

When I got home I wrote again sending a copy of first letter, and he did not answer, then I wrote his campaign manager and he did not answer and I have never had any reply from Coke.

Any man of any business would know better than to ignore such a letter as I wrote, or any business letter, and a man who knows no more about proper business courtesy, is no man fit to represent the great state of Texas in the United States Senate. Coke has never said how he stands on the repeal of the Taft-Hartley labor law, and he has no record on that so no one can tell how he stands as to that.

C. H. C. ANDERSON.

1014 S. Cumberland Ave., Dallas 8.

Inconsistent Lyndon

To The News:

In his Longview campaign address Friday night Lyndon Johnson referred derisively to 60-year-old Coke Stevenson as a "weak and wobbly old man." Lyndon's ideas about old age have changed quite a bit since 1941 when he tried to ride into the United States Senate on the political coat tails of Franklin D. Roosevelt, who was nearing his sixtieth milestone at the time.

JACK FLOCK.

Tyler, Texas.

EDITORIAL VIEWS OF OTHER

Economy in Government No New Principle to Coke

Houston Chronicle: Johnson, desperately on the defensive, said over the week end that Stevenson's administration as Governor was an empty period in which nothing for the good of the state was done.

Since both Stevenson and Johnson have pledged themselves to work for economy in government Johnson's statement deserves an answer.

When Stevenson was sworn in as Governor on Aug. 4, 1941, he inherited a large deficit in the state's general fund. It had been accumulating for several administrations.

Mrs. Miriam Ferguson had found a deficit in the general fund of \$2,846,166.94 when she became Governor in January, 1933. This had grown to \$9,081,332.46 when James V. Allred became Governor in January, 1935. During Allred's administration the deficit increased to \$19,720,399.24. W. Lee O'Daniel built the deficit up to \$30,449,343.11 during the thirty months he was Governor.

Stevenson followed O'Daniel to the Governor's chair and served for five years and five months. During that "empty period" his administration wiped out that \$30,449,343.11 deficit and left a surplus of \$36,953,791.50 in the state treasury. (The figures in this and the preceding paragraph are all from Jesse James, State Treasurer of Texas.)

This remarkable change in the state's financial condition was not brought about by neglecting the functions and duties of the State Government.

During the same "empty period" appropriations for old-age pensions

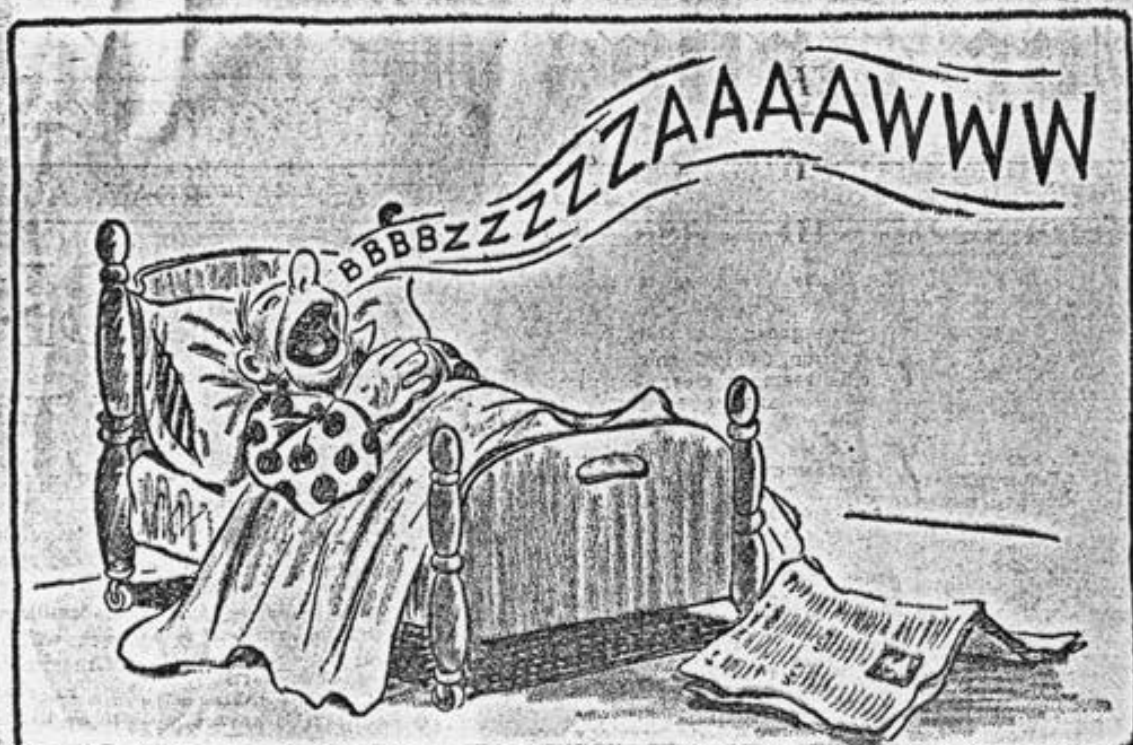
were more than doubled (a trebled), schoolteachers' salaries were raised, the state highway system expanded, farm-to-market roads built, state ad valorem reduced, and numerous taxes reduced, and numerous other services improved, expanded more efficiently and economically operated.

While Stevenson was conducting state affairs on a businesslike basis Johnson was in the House of Representatives at Washington, where he could have but did not show his passion for economy in government. The Federal Government has continued to increase civilian payroll until more than 2,000,000 are now working in the various federal bureaus and departments.

The Congress has kept on appropriating large sums of money for nearly everything conceivable until the national debt at the end of June stood at \$258.4 billions, on which we pay five billion dollars annual interest. Many of the bills passed, with the help of Johnson's vote, have collected huge sums of tax money in Texas and returned pennies in federal aid.

Texas taxpayers pay into the federal treasury more than \$1,283,000,000 annually. They get back seven cents on the dollar in the form of federal aid for roads, schools, old-age pensions, etc.

There are ninety-Six United States Senators. It is important that forty-nine, or a majority, be sane on the subject of spending the taxpayers' money. In the present election Texans have the opportunity of making sure that at least one Senator is that sort of public servant. Stevenson has proven that the principle of economy in government is not a new one with him.



DIFFERENCE BETWEEN A GOOD AND BAD CITIZEN

TEXAS
PRESS CLIPPING BUREAU
DALLAS

Houston (Tex.) Chronicle

NOV 5 1948

Probe of Texas Senate Race Now Due to Be Dropped

Democratic Senate
Expected to Seat
Lyndon Johnson.

260

By Staff Correspondent

Washington, Nov. 4.—Senator-Elect Lyndon B. Johnson will be seated in January and indications are that the proposed investigation of his nomination will be dropped, it appeared here Thursday after the sweeping national victory of Democratic candidates.

Whether former Governor Coke R. Stevenson continues to press for an investigation of Johnson's nomination in the Democratic runoff, the one-sided victory of Democrats for control of the senate virtually ruled out any possibility that Johnson would be made to stand aside, without being seated, for the Democratic primary to be probed.

Johnson has the potent support of President Truman and of Representative Sam Rayburn of Texas, who will be the new speaker of the house. Because of the backing of these Democratic leaders, plus others, Johnson should be able to receive adequate support from senate Democrats to protect his seat.

Also, the Democratic victory will take the chairmanship of the senate subcommittees on privileges and elections away from Senator William E. Jenner, Indiana Republican, who sent senate investigators into Texas, giving the chairmanship to Senator Francis Myers, Pennsylvania Democrat. Myers has issued two statements which easily are interpreted as being strongly pro-Johnson. Myers further accused Jenner of talking only to "Stevenson men" in Texas, and indicated his opinion was that the investigation was being conducted to aid Republican Nominee Jack Porter.

If Stevenson elects to continue to insist on a senate investigation, he will find that to do so will be expensive. Indications are, also, that he will be fighting an uphill battle which, for the present at least, shows small chance for success.

Senate Body's Action Removes Likelihood of Seating Battle

Preelection forecasts of Senators "barred at the door" in hot inter-party contests over Senate seating passed quietly into limbo last night.

A GOP-controlled Senate Rules Subcommittee, investigating election "irregularities" in preparation for the scramble, simply voted to turn all of its data over to its Democratic successor.

Said Senator William E. Jenner (R., Ind.), chairman of the group:

"Inasmuch as a new subcommittee will replace the present committee personnel, we feel it would be useless to expend public money in preliminary work when there is every possibility our activities would be of no avail."

Senator Francis J. Myers (D., Pa.), who probably will succeed Jenner as chairman when the Democrats take over, promised careful scrutiny of all the committee's reports and "no whitewashing" of evidence involving Democratic Senators, but said he

saw no reason why all Senators-elect should not take their seats at the start of the new session.

As a precedent, Myers pointed to the seating last session of Senator Harley M. Kilgore (D., W. Va.), whose 1946 election is still under investigation by the committee.

Alleged irregularities in the election of two new Democratic Senators—Representative Lyndon B. Johnson of Texas and former Gov. Robert S. Kerr of Oklahoma—were involved in the GOP-controlled committee's current investigation.

On the eve of the election Democratic Senators charged the investigations were "partisan" and threatened to counter with some investigations of their own involving Republican Senate candidates.

Myers last night, however, intimated that he had no plans at present to look into Senate elections in any States beyond the three covered by the current inquiry—Texas, Oklahoma and West Virginia.

Exclusive—DSHKOSH LUGGAGE—With Us



Plaudits for the

Myers Demands Recall of Senate Investigators In Texas

By ROBERT V. JOHNSON
Post Washington Correspondent
WASHINGTON, Oct. 28.—Immediate recall of the Senate elections subcommittee investigators in Texas was demanded Thursday by Senator Francis J. Myers (D., Pa.) in a telegram to the chairman, Senator William E. Jenner (R., Ind.).

THE INVESTIGATORS, Myers charged, have lent themselves "to an organized effort to use this investigation for the purpose of influencing the outcome of the forthcoming Texas election in favor of the Republican nominee for the Senate, or when that fails, to lay the groundwork for stealing the election and negating the will of the people of Texas."

Senator Myers is the Democratic member of the three-man subcommittee. The telegram Thursday was the second criticism the Pennsylvanian has made this week of the

investigation of the Aug. 28 senatorial primary runoff between representative Lyndon Johnson and former Governor Coke Stevenson.

The investigation and the impounding of the ballots of 13 counties were ordered by Jenner without consulting Myers after Stevenson filed notice he will contest the primary result.

UP TO a late hour in the day neither Jenner nor Nelson Deranian, subcommittee counsel, had commented on Myers' charges.

"I am informed," Myers said, "that investigators Arthur Breor and Joseph Langan are being followed and perhaps even accompanied about Texas by well-known backers of the defeated candidate in the Democratic primary, Coke Stevenson, who has announced his support for the Republican nominee for the Senate and that some Stevenson backers, namely Truman

Phelps and others, are present simultaneously with the investigators in cities visited by these investigators."

"I am further informed that some of these Stevenson men have been issuing statements to the newspapers coincident with the visits of the committee investigators in these localities, said statements purporting to describe what the investigators are doing and what they are supposed to be finding in regard to alleged irregularities in the recent Democratic primary in which Stevenson was defeated.

"I AM additionally informed," the Pennsylvanian went on, "that these statements are generally regarded as coming directly from the investigators themselves.

"By lending themselves and their committee status to such reprehensible tactics designed to influence an election, the committee in-

vestigators have ignored their responsibilities as agents of a Senate committee and have revealed the true purpose of their mission to Texas to be strictly partisan and I demand their recall," Myers added.

Myers reiterated a statement he made last Tuesday that he was not consulted before any of the several investigations being conducted in the name of the subcommittee were started. He again insisted that all ballot boxes in Texas should be impounded, if any are.

DECISION IN the matter, he added, "should not be left to committee employees who consider their prime responsibility as being to the Republican party."

"In this connection," Myers continued, "I am informed, although I find it almost unbelievable, that a committee investigator seized ballot boxes in one Texas county and in company with a Stevenson lieu-

tenant hauled them to another county, emptied their contents and returned the empty boxes to the county official from whom they had been seized.

"Could it be possible such an obviously improper thing occurred?"

"SUCH ILLEGAL and unwarranted procedures would be unprecedented and would make valueless any conclusions sought to be reached in this county.

"In any event," Myers went on, "the conduct of the committee staff in Texas and other investigations is such that the conclusion is inescapable that its purpose is to influence the election to the disadvantage of the Democratic nominees for the United States Senate."

Myers closed by saying he was sending a copy of the telegram to the committee counsel "and will expect prompt action by him in re-

calling the investigators from Texas."

DERANIAN'S OFFICE said he was "gone for the day" when reporters tried to reach him. Jenner was reported to be in Indiana. The telegram was addressed to him both at his home in Bedford, Ind., and Republican headquarters in Indianapolis.

Meanwhile, at a Washington press conference Herbert K. Brownell Jr., Dewey-Warren campaign manager, told reporters the Republicans intend to "investigate thoroughly Democratic senatorial primaries in Texas, New Mexico and Oklahoma."

It has become common-Washington gossip that if the Democrats win a majority of the seats in the Senate in next Tuesday's election, the present Republican majority will ask those facing contests to "stand aside" pending the outcome of the contests.

Grand Jury ^{Oct 13} Hears Duval Party Leaders

Callier-Times News Service

SAN DIEGO —The grand jury investigating the Aug. 28 primary in Duval County reconvened this morning following a recess early Tuesday afternoon.

Among witnesses heard Tuesday by the grand jury were Campbell King, chairman of the county executive committee, and Carroll Kelly, precinct chairman at Freer.

District Judge L. Broeter charged the grand jury to make a "thorough investigation" of the primary because "allegations of fraud and irregularities" have been made concerning it. The grand jury was empanelled Oct. 4 and recessed the following day until Oct. 11. A total of four days have been consumed by the grand jury to date, without any indication of how soon it might be ready to report.

Duval Grand Jury Recesses Until Monday

Callier-Times News Service

SAN DIEGO — A Duval County grand jury investigating the Aug. 28 primary recessed at 11:15 a. m. today until next Monday morning.

Jose Tovar, foreman of the grand jury, told District Judge L. Broeter that the grand jury had not completed its work and asked for permission to recess until next Monday morning.

The grand jury was empanelled Oct. 4 and specially charged by Judge Broeter to make a through investigation of the Aug. 28 primary.

Duval Jury Finds No Election Fraud

SAN DIEGO, Oct. 19.—(AP)—A Duval County grand jury report says it found "no evidence of improper conduct" of the August Democratic primary in that county.

The report, made Monday, says "We have made a careful investigation in the manner in which the August primary was conducted. We have called many witnesses and have found no evidence of improper conduct."

"On the contrary we wish to congratulate the election officials on the orderly manner in which the election was handled," the report says.

The grand jury had been charged by District Judge L. Broeter to investigate alleged charges of voting irregularities in Duval County.

El Paso (Tex.) Times

AUG 30 1948

Political Post-Mortem

TEXAS DEMOCRATS really were divided this time. 260

The race for the U. S. Senate between former Gov. Coke Stevenson and U. S. Rep. Lyndon Johnson will be a photo finish. It may be several days before the winner is determined for certain.

Strength of Johnson in the rural areas was somewhat surprising. The big city vote (not including El Paso) went heavily for Stevenson. But when the votes from the crossroads began to come in, Johnson gained steadily. Every tabulation by the Texas Election Bureau showed Stevenson's lead smaller and smaller.

Pipe-smoking Stevenson was thought to be popular with the country folks of Texas. He found out he wasn't. There always will be reason to speculate as to whether the endorsement by the Texas Federation of Labor helped or hurt Stevenson. It is certain that his hesitancy in giving his position on the Taft-Hartley Act cost him many votes.

Johnson conducted a hard-hitting, fast-moving campaign. He appeared to get Stevenson off balance and keep him there.

* * * * *

IN THE State Senate race between Hill Hudson of Pecos and Henry Coffield of Marfa, too much sectionalism developed.

The Times is not attempting to blame either or both candidates, or anyone else, for that. It is human nature to be for the man from your own neighborhood against a fellow from another neighborhood, if your own neighbor is a decent sort. Hill Hudson and Henry Coffield conducted themselves as gentlemen throughout the campaign. Each polled a heavy vote in his own neighborhood. That is a compliment, of course, but The Times would like to see less sectionalism and more consideration of issues and qualifications in future elections in this part of West Texas.

For example, The Times would have liked to see the El Paso vote more evenly divided between Hudson and Coffield. It also would have liked to see the vote in the oil counties more evenly divided, and the same thing in the cattle counties.

What we want is the best man available for the State Senate, and for Congress, regardless of whether he lives in El Paso, Midland, Alpine, Marfa, Pecos, or Sierra Blanca.

Perhaps The Times is hoping for too much. We see the same thing happen in national politics. The two major parties consider sectionalism when choosing their nominees for President and Vice-President.

Even so, we are heading toward a sorry situation if we permit a political division between the oil counties and the cattle counties.

Let's work toward picking the right man for office, not what part of the district he lives in.

TEXAS
PRESS CLIPPING BUREAU
DALLAS

Mineral Wells (Tex.) *Index* News

SEP 1 - 1948

Johnson Loses One Vote In ²⁶⁰ County Re-Check

A re-check of the Palo Pinto County vote of last Saturday, finds Lyndon Johnson one vote less than the unofficial report given by the Index the night of the election, an error in tabulating the Southeast box in Mineral Wells.

The results as they will show when officially counted Friday afternoon at Palo Pinto will be Stevenson 1426, the same as announced Saturday, and Johnson 1086, one vote less than the 1087 announced.

An error in tabulating the Pickwick unofficial vote took 10 votes away from Allan Dabney, for Associate Justice of the Court of Civil Appeals at Eastland. Likewise at Santo, Judge Collings, running for the same office, picked up six votes there. This will add four votes to the Dabney majority in the county, and the totals are Dabney 1333 and Collings 1092.

The vote for commissioner of Precinct No. 3, on the south side of the county, remains as given unofficially, Rexroat 508 and Fuston 408.

The Palo Pinto County vote must be officially checked by the members of the County Democratic Executive Committee and then forwarded to the State Executive Committee to be canvassed state-wide on Sept. 13, prior to the state convention in Fort Worth on Sept. 14. The county re-check will be made Friday afternoon at 2:30 at Palo Pinto.

Brown added that should he get relief from the restraining order at a later time, he would supply the election boards with a supplemental certification.

Whether the election boards or the precinct judges would have the authority to write in the name of the Democratic nominee before handing the ballot to the voter—in case of supplemental certification—was a question that neither Brown nor the Attorney General's office could answer Monday.

GOP Man on Ballot.

As it stands now, the Republicans are the only major party with the name of a senatorial candidate printed on the ballot.

Each side indicated strongly Monday that if the Davidson ruling goes against it, the matter will be taken to other courts.

A ruling against Johnson to all indications would result in application to the U. S. Supreme Court for a writ of prohibition. Such a writ would by-pass the action of the Federal District Court, making it possible for Johnson's name to be inserted on the ballot.

Any way the court rules, the people of Texas still will not know the identity of their junior senator. Both Stevenson and Johnson have stated that the Senate is the ultimate authority in the matter and that if necessary they will carry the bitter fight there for final decision.

May Take Senate Action.

In such matters a Senate committee sets as a court with full power to subpoena witnesses and take testimony under oath.

The attorneys, gathering here Monday to go over their respective plans for the legal battle, could not say definitely whether the principals would attend the hearing.

Both sides "thought" their candidates would be in the city.

Dan Moody of Austin, former governor, is expected to lead W. E. Allen, Fort Worth, C. C. Renfro of Dallas, Josh Groce of San Antonio and others in presenting Stevenson's arguments.

John Cofer of Austin is likely to lead most of the pro-Johnson discussion. His aides will include Buck, former Governor James V. Allred of Houston, Alvin Wirtz of Austin and others.

TEXAS

Press Clipping Bureau

DALLAS

From

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

Date SEP 20 1948

Johnson to Attack Scope Of US Court

Attorneys for Senate Contestants Are Ready For Hearing Tuesday

Lyndon Johnson's attorneys will attack the right of jurisdiction when U. S. District Judge Davidson at 10 a. m. Tuesday opens a hearing here on Coke Stevenson's petition for a temporary injunction to prevent Johnson being listed as the Democratic senatorial nominee on the general election ballot.

Raymond Buck, one of the Johnson attorneys, Monday said the action would be based on the grounds that the Senate itself is the exclusive judge of such contests.

Stevenson based his motion for the injunction on the contention that allegedly fraudulently counted votes in Jim Wells and Zapata counties were responsible for Johnson's scant 87-vote majority in the second Democratic primary.

Brown Waiting Order.

Secretary of State Brown Monday told the Star-Telegram that if the court dissolves the restraining order Tuesday or Wednesday morning, he will be able to get the name of Johnson on the sample ballot now being prepared for presentation to the election boards of the 254 Texas counties.

TEXAS
PRESS CLIPPING BUREAU
DALLAS

Tyler (Tex.) Telegraph

Date **AUG 31 1948**

Johnson Gains In Wood Check

QUITMAN, Aug. 30 (Spl).—Final totals in the U. S. Senate race after an official tabulation of Wood County's votes at noon Monday gave Coke Stevenson 2424 votes to 2065 for Lyndon Johnson.

Johnson made a gain of 45 votes over the unofficial returns reported Saturday, H. B. Spruell, County Democratic Chairman made the report after the official canvass was completed.

The change came in the Crow box, where an error had been recorded Saturday night as the results were sent in by telephone. The change in the totals was reported immediately to the Texas Election Bureau at Dallas and to Austin.

Wood County's custom of canvassing the votes on the Monday immediately following an election was begun about 1936, under a plan of Don Roberts, then the county chairman. Attempts have been made to get the plan adopted throughout Texas according to one of the plan's supporters, Ed Shoaf, Quitman publisher.

El Paso (Tex.) Herald-Post

Date AUG 30 1948

County-by-County Vote for Senator

By United Press
DALLAS, Aug. 30.—A county-by-county total of the U. S. senatorial race in Saturday's Democratic primary as compiled by the Texas Election Bureau:

County	Johnson	Stevenson
Anderson	2,563	2,171
Andrews	491	539
Angelina	3,642	4,420
Aransas	561	471
Archer	1,226	787
Armstrong	197	235
Atascosa	823	893
Austin	1,168	2,633
Bailey	392	412
Bandera	728	729
Bastrop	3,002	1,181
Baylor	1,111	832
Bee	903	1,150
Bel	4,338	3,904
Bexar	15,610	15,311
Blanco	946	296
Bosque	1,509	1,693
Bowie	4,010	4,974
Brazoria	2,003	2,330
Brazos	2,442	1,814
Brewster	354	369
Briscoe	142	289
Brooks	438	150
Brown	2,183	3,640
Burleson	1,287	837
Burnet	1,817	507
Caldwell	2,605	1,009
Calhoun	330	287
Callahan	7,246	3,214
Camp	1,006	1,132
Carson	239	467
Cass	2,369	2,008
Castro	283	473
Chambers	476	548
Cherokee	2,032	2,742
Childress	1,446	1,379
Clay	1,038	523
Cochran	678	704
Coke	643	530
Coleman	1,129	1,353
Collin	3,158	3,959
Collingsworth	746	781
X-Colorado	829	1,133
Comanche	1,631	1,899
Comal	1,145	1,771
X-Cooke	901	1,768
X-Coryell	765	819
Cottle	702	669
Concho	707	504
Crane	439	508
X-Crockett	83	127
Crosby	1,569	843
X-Culberson	141	167
Dallam	17,679	28,195
Dawson	1,968	1,614
X-Deaf Smith	294	635
Delta	1,273	1,396
Denton	2,487	3,397
De Witt	981	1,362
X-Dickens	831	548
Dimmit	762	846
Donley	642	980
Duval	4,622	2,335
Eastland	2,432	1,927
Ector	1,743	328
Edwards	194	3,837
Ellis	3,035	3,129
El Paso	6,439	2,570
Erath	2,085	2,170
Falls	1,950	3,945
Fannin	4,173	1,901
Fayette	2,004	786
Fisher	1,343	1,518
Floyd	1,303	308
X-Foard	208	683
X-Fort Bend	701	1,114
Franklin	1,054	2,296
Freestone	1,809	953
Frio	968	1,034
Gaines	843	7,985
Galveston	6,002	694
Garza	690	1,018
Gillespie	250	135
Glasscock	121	425
X-Goliad	229	2,171
X-Gonzales	1,747	2,353
Gray	1,086	3,385
Grayson	3,794	4,221
Gregg	1,978	789
Grimes	789	1,237
Guadalupe	598	2,086
Hale	1,383	772
Hall	820	1,202
Hamilton	813	

County	No election
Hanford	812
Hardeman	1,011
Hardin	37,401
Harris	2,760
Harrison	64
Hartley	1,841
Haskell	2,215
Hays	191
X-Hemphill	3,903
Henderson	10,401
Hidalgo	3,221
Hill	1,972
Hockley	1,063
Hood	2,868
Hopkins	2,368
Houston	2,638
Howard	117
Hudspeth	2,152
Hunt	1,453
Hutchinson	224
Irion	894
Jack	1,191
Jackson	1,651
Jasper	95
Jeff Davis	15,680
Jefferson	723
X-Jim Hogg	1,789
Jim Wells	1,780
X-Johnson	2,151
Jones	1,493
Karnes	2,734
Kaufman	139
X-Kendall	8
Kenedy	219
X-Kent	853
Kerr	493
Kimble	160
Kinney	1,977
Kleberg	871
Knox	4,161
Lamar	802
X-Lamb	797
Lampasas	605
La Salle	1,322
Lavaca	1,389
Lee	880
X-Leon	1,373
Liberty	1,953
X-Limestone	77
Lipscomb	724
Live Oak	1,078
Llano	15
Loving	6,395
Lubbock	968
Lynn	792
X-Madison	615
Marion	721
Martin	402
Mason	630
Matagorda	671
Maverick	1,451
McCulloch	10,178
McLennan	142
X-McMullen	734
Medina	652
Menard	1,233
Midland	1,950
Milam	478
X-Mills	703
Mitchell	1,793
X-Montague	1,955
Montgomery	400
Moores	850
Morris	399
X-Motley	3,485
Nacogdoches	1,870
Navarro	1,113
Newton	2,129
Nolan	7,597
Nueces	439
Ochiltree	173
Oldham	2,507
Orange	1,087
Palo Pinto	1,615
Panola	1,780
Parker	199
X-Parmer	831
Pecos	1,542
X-Polk	3,959
Porter	436
Presidio	672
Rains	605
Randall	

Reagan	166	179
Real	308	401
Red River	2,592	2,869
Reeves	883	889
X-Refugio	194	163
X-Roberts	7	144
Robertson	1,877	1,353
Rockwall	313	802
X-Romero	2,216	1,949
Rusk	3,358	6,573
Sabine	1,559	784
X-San Jacinto	431	414
San Patricio	1,198	1,743
San Saba	1,223	877
Schleicher	296	359
Scurry	1,190	853
X-Shackelford	233	290
Shelby	2,238	1,637
X-Sherman	18	71
Smith	4,077	6,135
Somervell	214	358
X-Staff	2,908	166
Stephens	1,020	1,378
Sterling	124	89
Stonewall	779	451
Sutton	157	281
Swisher	430	788
Tarrant	18,110	22,770
Taylor	4,561	3,075
Terrell	47	116
Terry	1,114	740
Throckmorton	545	286
Titus	2,003	1,925
Tom Green	3,913	3,510
Travis	17,981	8,325
X-Trinity	780	932
Tylen	796	1,257
Upshur	1,248	1,592
Upton	350	374
Val Verde	470	875
Van Zandt	3,137	498
Victoria	681	2,697
Waller	1,470	1,017
Ward	811	1,447
Washington	974	867
Webb	1,737	1,293
X-Wharton	5,534	1,538
X-Wheeler	1,097	1,179
Wichita	533	1,372
Willacres	5,913	706
Willbarger	1,803	4,300
Willcox	1,284	1,907
Williamson	4,948	1,667
Wilson	1,901	2,331
Winkler	753	1,784
Wise	1,625	1,030
Wood	2,065	1,101
Yadkin	577	1,625
Young	1,377	713
Zapata	711	965
Zavala	423	158

Coke Clings To 119 Vote Lead; Estimated 400 Ballots Still Out

By Associated Press
Coke Stevenson Tuesday was out in front by 119 votes in the state's Democratic runoff for the U. S. Senate.

The 60-year-old wartime governor of Texas held 494,396 votes to 494,277 for his 40-year-old opponent, Rep. Lyndon B. Johnson.

Still uncounted by the Texas Election Bureau are an estimated 400 votes in six counties still incomplete and in those untallied ballots is victory or defeat.

Stevenson's lead of 119 votes was announced in the 9 p.m. bulletin of the election bureau.

To the winner of the official count goes the title of junior U. S. senator from Texas, now held by W. Lee (Pappy) O'Daniel, who did not seek re-election.

The total number of votes tabulated at 6 p.m. was 988,673.

The six incomplete counties are Borden, Jim Hogg, Kent, McMullin, San Jacinto and Van Zandt.

The majority of votes thus far counted in two of the six counties are for Stevenson. He was leading 29-24 in Borden County and 152-142 in McMullin County.

The Tenth District congressman was ahead 723-198 in Jim Hogg, 219-136 in Kent, 431-414 in San Jacinto and 3,137-2,607 in Van Zandt.

An estimated 100 votes each were still uncounted in Borden, Jim Hogg and Van Zandt. The rest were scattered among the other three counties. Of the three counties where the 100-vote packets of votes are, two of them so far are favoring Johnson.

Both candidates followed the count Monday night at Austin, Stevenson in his headquarters or room at the Driskill Hotel and Johnson at his home.

Johnson Monday charged Stevenson slurred the people of Texas in a statement the Kimble County rancher issued Sunday night.

Stevenson's statement came after Johnson went ahead on a one-sided report from Duval County, one of the congressman's Rio Grande strongholds.

That's when Johnson went into the lead for the first time in the race after trailing for almost 24 hours from the start.

At one time, earlier, Stevenson enjoyed a comfortable lead of more than 17,500 votes.

Johnson held on to the lead through three additional tabulations until Monday at noon when Stevenson once again took command of the race.

At 9 p.m. Sunday Johnson held his biggest majority—693 votes.

After Stevenson recaptured the lead at noon Monday he held it fairly steadily until 6 p.m. Monday night when Johnson edged

within 78 votes.

It was the next tabulation at 9 p.m. that Stevenson stretched his lead a little—from 78 to 119 votes.

Here's the TEB's final tabulations from four big-vote counties:

County	Johnson	Stevenson
Bexar		
(San Antonio)	15,610	15,511
Harris (Houston)	37,377	51,493
Dallas (Dallas)	17,679	26,195
Tarrant		
(Fort Worth)	18,110	22,770

During Monday TEB tabulators counted 7,321 votes. Of that number for the day Stevenson got 3,950 and Johnson 3,371, a net gain for Stevenson of 579 votes.

At 6 p.m. the pipe-smoking rancher held a total of 493,747 votes against 493,669 for his opponent.

The election bureau estimated at that hour 2,300 votes were still unaccounted for.

Stevenson held a lead of 246 votes in the previous tabulation at 3 p.m.

In that three-hour period, TEB tabulators counted 1,406 votes. Of that number Stevenson got 619 and Johnson 787, a net gain of 168 votes for the congressman.

In the returns at 6 p.m. 242 of the state's 254 counties were listed by the bureau as complete.

The ex-governor's biggest lead of the day came in the first tabulation Monday at 10 a.m. when he fell heir to the lead by a margin of 460 votes after trailing by 693 when the counting was halted Sunday night at 9 p.m.

Between the Sunday night count and the first day count Monday

1485 votes came in. Stevenson captured 854 of that number and Johnson 621, giving Stevenson a net gain of 233 votes. That gave Johnson at 10 a.m. Monday a majority of 460 votes.

It was on the 11:45 a.m. count that Stevenson recaptured, forging ahead by a margin of 210 votes. At the 2 p.m. he fattened his majority to 306 votes, but lost some in the 3 p.m. Monday count that left him only 246 votes out in front.

Between 10 a.m. Monday and 6 p.m. Monday night TEB tabulators counted 6,064 votes.

In that eight-hour period Stevenson got 54-plus per cent of the votes.

Of the 6064 votes, Stevenson got 3,301 and Johnson 2,763.

There was every indication that the successor to Sen. W. Lee (Pappy) O'Daniel, would not be decided until the State Democratic Convention certifies the returns Sept. 14.

Both candidates have indicated they would not accept the result of the Texas Election Bureau as final. Democratic nomination in Texas is tantamount to election.

Stevenson has not lost a race in a political career that began 34 years ago. Johnson, 40, was elected to the House of Representatives from Texas' Tenth Congressional District in a special election in 1935 and has served continuously until this summer, when he did not announce for re-election. He ran for the Senate post in 1941 to determine a successor to Morris Sheppard and was nosed out by O'Daniel by 1311 votes.

Two new U. S. congressmen were named in the runoff election and one incumbent was re-elected. They were Lloyd M. Bentsen Jr., McAllen, from the 15th District; Homer Thornberry, Austin, from the 10th District; and Rep. Tom Pickett, re-elected in the Seventh District. Their victories were apparent in the election bureau returns.

TEXAS
PRESS CLIPPING BUREAU
DALLAS

Fort Worth (Tex.) Star-Telegram
(Morning)

OCT 29 1948

Vote Recount²⁶⁰ Is Impossible, Johnson Says

**Congressman Asserts
Tactics of Stevenson
Have Prevented Check**

Austin Staff Special.

AUSTIN, Oct. 28.—Congressman Lyndon Johnson charged former Gov. Coke Stevenson Thursday night with tactics which make it impossible to recount the disputed votes of the second Democratic primary.

Johnson, whose nomination for United States senator has been challenged by the runoff race loser, also declared his official 37-vote majority for the post would have been increased by several hundred votes in a recount of the whole state.

Johnson said that by going into federal courts instead of the state courts which handle election contests, Stevenson delayed developments until it became necessary for some counties to dispose of the ballots and prepare for the general election Tuesday.

"I could not contest the defeat of my opponent," Johnson said. "But if he had wanted a recount—a contest—he could have had it in any one of the three district courts in Travis County."

"Had he followed this course, we would not now be confronted with ballots emptied before the legal deadline into gunny sacks in Tarrant County, so that boxes can be used again; with election supplies and ballots removed from boxes in Duval County and destroyed following a grand jury investigation; with election machines being run back in Dallas County after a court order, making it impossible to check any irregularities."

Johnson said anything less than a complete recount is worthless, and that such a check is now impossible.

Johnson said a "small but determined" group of men have sworn to ruin his name and to do everything possible to eliminate him from Congress—"even if it meant electing a Republican senator from Texas."

He offered to resign from the Senate and submit his name to the voters again if any lawful recount of all the ballots boxes—made by any court or other form having jurisdiction—shows he did not receive a majority of the votes.

Johnson said Stevenson keeps hammering on the results in Jim Wells, Duval and Zapata Counties, but reminded his listeners that no effort was ever made to contest the elections legally and no evidence was offered to the Duval County grand jury which made an investigation last week.

TEXAS
PRESS CLIPPING BUREAU
DALLAS

Dallas (Tex.) News

OCT 27 1948

Scratch 260
LYNDON JOHNSON
Common Honesty, Inc.

Political advertisement paid for by Common
Honesty League, Norman McCurdy, Secy.

WASHINGTON EVE. STAR
Friday, Sept. 3/48.
**Johnson Gains 126 Votes;
Stevenson Leads by 255**

By the Associated Press
DALLAS, Sept. 3.—Representative
Lyndon Johnson was 126 votes closer
to Coke Stevenson in the Texas
Democratic Senate race today, with
the former Governor still in front
by 255.

The Texas Election Bureau's one
report last night, issued at 7 p.m.,
gave Mr. Stevenson, former Texas
Governor, an unofficial total of 494,
229 votes to Mr. Johnson's 493,974.

That was a loss of 131 votes for
Mr. Stevenson and five for Mr.
Johnson from the bureau's 1 p.m.
tabulation, which showed Mr. Stev-
enson ahead by 381 votes.

The bureau is substituting official
county returns for its unofficial
count of the votes in last Saturday's
runoff primary as they become
available. It said six of nine coun-
ties reporting after 1 p.m. caused
the changes.

TEXAS
Press Clipping Bureau
DALLAS

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

Date... OCT 26 1954

Seized Ballots Will Be Taken²⁶⁰ to Washington

HARLINGEN, Oct. 26 (AP). — Ballot boxes, tally sheets and poll lists in Zapata and Starr Counties were reportedly seized Monday night.

Truman Phelps, a Laredo lawyer, said he accompanied an in-

vestigator of the U. S. Senate committee on elections to the seats of the two counties, where the voting material of the second Democratic primary was impounded.

Phelps said the investigator was Joseph Langan, one of two from the Senate committee sent to probe reports of fraudulent voting in South Texas during the August Democratic primary.

Langan was not available for comment.

Phelps was campaign manager for Lloyd M. Bentsen Jr., candidate for representative of the 15th congressional district.

The Laredo attorney said the ballots, tally sheets and poll lists were taken into custody by the investigator and would be sent to Washington.

He said the investigator seized all election returns and poll lists from three of the four precincts in Zapata County, but that the tally sheets and poll lists of Precinct No. 3 were missing.

Phelps said the other investigator is conducting a similar probe in Duval and Jim Wells Counties.

The investigations came as the result of charges of fraudulent voting in South Texas by Coke Stevenson, unsuccessful candidate for the Democratic nomination as U. S. senator.

Rep. Lyndon Johnson was certified as the Democratic nominee with a majority of 87 votes over Stevenson.

JOHNSON ASKS ALL BOXES BE IMPOUNDED

AUSTIN, Oct. 26 (INS).—Democratic senatorial nominee Lyndon

Johnson Tuesday released the text of a letter in which he demanded the impounding of "all ballot boxes in all counties" of Texas used in connection with the Aug. 28 runoff primary election.

The letter was addressed to Nelson Derenian, chief counsel of the U. S. Senate subcommittee on privileges and elections, and was dated Monday.

"I do not know what charges have been made," Johnson wrote, "or what basis the Senate committee has for acting to impound ballot boxes in any particular county, but if any of the ballot boxes are impounded in any of the counties, I respectfully request that all ballot boxes in all counties be impounded."

Johnson Leading Stevenson by 87

Reports Filed

All Parties But I Run In the Red

By The Associated Press

Led by Henry A. Wallace's Progressive group, all political parties except the Socialist Party have operated in the red this year.

Their financial reports for the first eight months of 1948 were filed yesterday with the Clerk of the House. Only the Southern States' Rights organization failed to report.

The Democratic National Committee listed the heaviest expenditures and the largest operating deficit, but a bank balance kept them solvent.

The Wallacites ended the period with the largest reported deficit.

Democrats Have \$18,129

The Democratic National Committee reported receipts of \$541,473 and expenditures of \$559,602 during the eight months. But they started the year with a balance of \$315,367 and on August 31 still had \$18,129.

The Republican National Committee said it took in \$525,455 and spent \$641,351. The report did not show how much of the \$115,896 deficit was covered by cash on hand at the start of the year.

Two reports were filed by C. B. Baldwin, Wallace's campaign manager. One listed contributions of \$451,124 to the National Wallace for President Committee, and expenditures of \$670,383. This meant a deficit August 31 of \$237,735.

Baldwin also reported August receipts of \$48,745 and expenditures of \$67,221 for the Progressive Party.

The Socialist Party said it spent \$26,256 and took in \$28,272 from January 1 to June 30.

Other reports included:

National Republican Congressional Committee, receipts \$110,071; expenses \$114,304.

Political Action Group

CIO Political Action Committee, receipts \$208,703; expenditures \$238,498.

Democratic National Congressional Committee, receipts, \$1575; expenditures, \$2152. A bank balance of \$605 was reported for August 31.

National Republican Senatorial Committee, receipts from June 1 to August 31, \$113,153; expenses, \$96,446.

Christian National Crusade, headed by Gerald L. K. Smith, receipts, \$78,167; expenditures, \$69,628.

Labor's League for Political Education (AFL), receipts, \$141,740; expenditures, \$112,202.

Democratic Senatorial Campaign Committee, receipts, \$4789; expenses, \$1097.

Moscow Meat Down, Russian Radio Says

London, Sept. 13 (U.P.).—Radio Moscow said today the price of meat on Moscow markets has dropped "another 10 per cent since the beginning of September."

The broadcast said "vegetables are 15 to 20 per cent cheaper than they were, and the markets are flooded with dairy produce, meat and vegetables."

Fort Worth, Tex., Sept. 13 (P).—

Lyndon B. Johnson led Coke R. Stevenson by 87 votes today in the first official count of ballots in the Texas United States Senatorial race.

A tabulating subcommittee, however, refused to give him outright certification in its report to the State Democratic Executive Committee.

The subcommittee's tabulation from the State's August 28 second primary election for the Texas Democratic nomination gave Johnson 494,191 votes and Stevenson 494,104.

Full Committee to Decide

The subcommittee voted 4 to 3 to leave the final decision on the record-breaking close-finish contest to the full committee.

A resolution adopted by the subcommittee certified as correct all of its tabulations except that of Jim Wells County where Johnson got 1988 votes to Coke R. Stevenson's 770.

A short time earlier Johnson was granted a temporary injunction at Alice, Tex., against a canvass of the Jim Wells County votes.

Johnson charged that Stevenson and other defendants conspired with a purpose of causing the returns to be altered.

Attorneys for Stevenson immediately filed notice of an appeal in the District Court hearing.

The injunction prohibits the Jim Wells county Democratic executive committee from making any change in the tabulation from Precinct 13 in the county as reported to the State executive committee.

Johnson Watches Count

Judge L. Broeter said he did not see how granting the injunction "would interfere in any way with an election contest." He pointed out that under Texas election laws an election contest has to be filed in Travis County, in which Austin, the State capital, is located.

Johnson himself watched closely as the subcommittee made its count.

Stevenson, a former Governor who has never lost a political race, left the ballroom meeting-place shortly before the dramatic count began, saying he would leave the job to the committee and his watchers.

Ordinarily the subcommittee's tabulation and certification of the winner are routine. This time it was complicated by the 162-vote margin given Johnson in the last unofficial count of the near-million votes cast.

Another complicating factor was Stevenson's charge that 202 votes "were added to the poll list several days after the polls closed." All but one of these 202 votes were for Johnson, Stevenson said, and he said he was prepared to offer proof the returns were not correct.

Truman Backers Hope For Texas Victory

By The Associated Press

President Truman's supporters are counting on a victory in Texas today to offset the spreading revolt that threatens to keep him off several Dixie State ballots.

Truman forces were primed for an effort at Fort Worth to squash an attempt of States Rights backers to seize control of the party machinery at a State convention.

The States Right Party already has qualified electors for Gov. J. Strom Thurmond of South Carolina, and Gov. Fielding Wright of Mississippi.

Washington Eve. STAR
Sat., Oct. 9, 1948.

The Political Mill

Porter Gaining Support Among Texas Democrats

G. O. P. Nominee for Senate Aided
By Johnson-Stevenson Row

By Gould Lincoln

HOUSTON, Tex., Oct. 9.—Electing a Republican Senator from Texas—or even having a Republican candidate for the Senate make a respectable showing in the election—a month or two ago would have seemed merely a fantastic dream. Here in Houston today Democrats are talking seriously about the prospects of Jack Porter, the Republican nominee for the Senate against Representative Lyndon B. Johnson, Democrat. It all grows out of the bitter row among the Democrats over the Johnson-Stevenson contest for the Democratic nomination.

Mr. Porter, an independent oil producer of considerable wealth, was a Democrat until 1940 when he jumped the party because of the presidential third term issue. The fact he is still thought of as a Democrat of the old school makes him all the more formidable. There seems to be no doubt he will not only get the Republican vote but that he will get support from many of the Dixiecrat Democrats and from the followers of Stevenson—who feel that their candidate, former Gov. Coke Stevenson, was cheated out of the nomination. If he does, Mr. Porter may turn out to be a formidable candidate.

States' Righters for Porter.

States' rights Democrats say quite frankly they intend to vote for Mr. Porter for the Senate and for Gov. Thurmond of South Carolina for President. One of them told me: "If the Republicans are wise and they wish to keep the electoral vote of Texas away from President Truman and to elect another Republican Senator, they will go along with us."

A straw in the wind was the recent announcement of Mrs. Edna Shepherd, chairman of the board of the Harris County (Houston) Democratic Women, that she was resigning her chairmanship and would support Mr. Porter. "I have been a Democrat all my life," said Mrs. Shepherd in her letter of resignation, "but I do not believe in the things the New Deal Party is now trying to force on true Southern Democrats. Jack Porter represents the type of Democracy I believe in and have advocated all my life."

Republican doctrine, with a Southern drawl, is preached all over the State by Mr. Porter. It is Democratic doctrine, too, as a good many Texans see it. Mr. Porter, however, announces his opposition to the civil rights program of both the Democratic and Republican Parties. He is strong for State ownership of the tidelands, with their valuable oil deposits, which has been challenged by the Supreme Court decision in the California case. Royalties and leases, sold by Texas, in these tidelands have netted the public schools of Texas \$34,000,000. Mr. Porter concludes a speech: "When you vote for Jack Porter, you will be voting to protect the tidelands that are the birthright of your children."

Johnson Faces Seat Fight.

The Johnson-Stevenson fight for the Democratic senatorial nomination was won in the run-off primary by Mr. Johnson with a lead of 87 votes. Demands for recount and charges of fraud by the Stevenson people got exactly nowhere—and Stevenson's name will not be on the ballot. If Mr. Johnson wins the general election, it's a foregone conclusion that a stiff fight will be made to prevent him from taking his seat in the Senate, which is the final judge. One of the arguments used for Mr. Porter is that Mr. Johnson would never be seated after the primary vote had been thoroughly investigated by a Senate committee.

Gross irregularities, it has been charged, took place in Duval and Jim Wells Counties. In the former home of George Parr, Democratic boss and known as "Duke of Duval," the count, as turned in, stood 4,622 to 40, with Johnson on the winning side. In the first primary Mr. Stevenson had about 500 votes in Duval. The population is large.

COKE, LYNDON GIRD FOR FRESH ROUND

By ALLEN DUCKWORTH

Staff Correspondent of The News

FORT WORTH, Texas, Sept. 20. —Coke Stevenson and Lyndon Johnson arrived here Monday to do battle again.

Stevenson's suit to keep Johnson off the ballot opens at 11 a.m. Tuesday in federal district court—exactly a week after the state Democratic convention met here and declared Johnson the United States Senate nominee.

The return to Fort Worth is Johnson's legal move to prevent his candidacy from becoming just a blank space on the November general election ballot. If Stevenson's suit is successful, the Democratic party might be left without a nominee.

PERSONAL APPEARANCE

Stevenson said he would appear in person in Judge T. Whitfield Davidson's court Tuesday morning.

A spokesman for Johnson said it had not been decided whether the congressman would be in the courtroom.

Tuesday's hearing is on the temporary restraining order that Stevenson obtained from Judge Davidson seven hours after last week's Democratic convention declared Johnson the nominee.

The order forbids Secretary of State Paul Brown from telling the various county election boards in Texas that Johnson's name can be printed as the Democratic nominee for Senate.

Secretary of State Brown, who was enjoined both in his official capacity and as an individual, will file his answer through Joe R. Greenhill, executive assistant attorney general, Tuesday morning at Fort Worth.

Brown's answer neither admits nor denies allegations of election irregularities as charged in Stevenson's petition as he knows nothing of them. He asked to be excused from the suit as an individual as he has taken no personal interest in the suit, he said.

Brown called the court's attention to the time element involved in preparing the ballot for the Nov. 2 general election.

Absentee balloting, he pointed out, must begin twenty days before the Nov. 2 general election, or on Oct. 13. State law further requires county clerks to post the names of candidates whose names are to be printed on the ballot for ten days prior to their printing and additional time must be required for the Secretary of State to certify the candidates to county officials, and time must be allowed under state statutes to print the ballot.

Because of the time element involved Brown related that he set Sept. 17 as the last day to furnish the state printer with a sample ballot but that he didn't include Lyn-

don Johnson in obedience to the federal court's restraining order.

As for his part in the suit as Secretary of State, Brown asked in his answer "that he have such relief in law and in equity in his official capacity to which he may be entitled."

Johnson will ask that the order be dissolved.

Failing in that plea, it is possible that Johnson will appeal to the United States Supreme Court.

Stevenson's case is built around alleged election irregularities in two South Texas counties—Jim Wells and Zapata. The official

count in the state-wide results, with almost a million votes cast, gave Johnson the edge by only eighty-seven ballots. The former Governor alleges that at least 200 ballots were added to the precinct 13 returns in Jim Wells. He also questions the county results in Zapata, contending that it was much higher than the returns from four precincts added together.

In asking that the temporary restraining order be set aside, Johnson's attorneys are expected to argue that the court has no jurisdiction.

See HEARING, Page 13, Col. 3

turns on second primary election night put Stevenson ahead, but by only 854 votes.

August 30.—Stevenson maintains slim lead, but it is learned that Jim Wells County reports it had not counted all votes.

Sept. 3.—Unofficial returns put Johnson in the lead after Jim Wells added 202 votes to Johnson and 1 for Stevenson. The ex-Governor issues statement saying "a concentrated effort is being made to count me out." And Johnson calls Stevenson a "poor loser."

ALICE CONFERENCE

Sept. 10.—Stevenson goes to Alice, county seat of Jim Wells, and confers with H. L. Adams, new Democratic county chairman, concerning the Precinct 13 vote revision.

Sept. 11.—Johnson brings suit in district court at Alice to prevent Stevenson's move to get recanvass of votes there.

Sept. 12.—Stevenson answers Johnson suit by asking all records be made available for recheck of votes.

Sept. 13.—Johnson wins in Alice court, which upholds his injunction against a recanvass of votes.

On this same day, the struggle for Democratic nomination begins in Fort Worth.

The Democratic State Executive Committee meets and a 7-member subcommittee is named to recanvass the county returns. The canvassing group finds Johnson ahead by 87 votes. But the subcommittee votes, 4 to 3, to tell the whole committee that it is undecided on what to do about the Jim Wells vote.

At a night meeting of state committee, Stevenson lawyers ask that Jim Wells "extra votes" be thrown out, and produce sworn statements of election irregularities. Johnson attorneys claim the statements were obtained from Latin Americans by threats.

COMMITTEE'S VOTE

The executive committee finally votes, in a night meeting, to proclaim Johnson the winner. The committee vote is close—29 to 28. Stevenson men give notice of appeal to the State Democratic Convention the next day.

Sept. 14.—Liberal elements, more favorable to Johnson than to Stevenson, gain complete control of the convention on the Truman question. That ruins Stevenson faction's plan to carry fight to convention floor. Johnson is declared the nominee by the convention, and his certificate is rushed to the Secretary of State's office at Austin.

Sept. 15.—Connie C. Renfro of Dallas, Stevenson attorney, drives to East Texas, gets Judge Davidson to sign temporary restraining order against putting Johnson's name on ballot. Judge Davidson sets hearing for Sept. 21—Tuesday—to decide whether the order shall remain in force.

Although six political parties will be on the general election ballot with candidates for President and Vice-President, there are only two nominees for United States Senator as things stand today. The Republicans are running Jack Porter, Houston, and the Prohibition party has nominated Sam Morris, dry crusader of radio fame.

STEVENSON STAFF

The Stevenson legal staff will include W. E. Allen, Fort Worth; Connie C. Renfro, Dallas, and former Gov. Dan Moody, Austin.

Johnson will be represented by John Cofer, Austin; former Gov. James V. Allred, Houston; Raymond Buck, Fort Worth, and former State Sen. Alvin Wirtz, Austin.

Both sides will have other legal talent available if needed.

Charles I. Francis, Houston, who helped Johnson here last week, was reported to be in New York. Although nothing has been revealed about Johnson's ultimate plan to continue the legal fight, Francis is within a short distance from Washington where a Supreme Court appeal could be filed.

Fraser, Harry S. Moss, R. J. De Wees and Durrell Padgett.

HEARING

Continued from Page 1

tion. Should Davidson so rule, the hearing might end quickly. If he allows extended testimony, then details of Jim Wells and Zapata voting systems may be aired in open court.

SAMPLE READY

Secretary of State Brown has his sample ballot ready for the printer without Johnson's name. He has said that he still can put it on if the Federal Court acts quickly, within one or two days. Even if a decision comes after Brown mails his sample to the 254 counties, and the ruling favors Johnson, it is believed that messages could be sent to the various election boards authorizing the inclusion of the Congressman's name.

If the candidates show up together to hear testimony Tuesday, it will mark the second time in a week they have heard their cases argued in the same room. Last Monday, they sat a few feet apart while the Jim Wells case was aired before the Democratic State Executive Committee. It finally voted 29 to 28 to declare Johnson the winner.

The bitter senatorial rivals were only two blocks away from one another Monday evening. Stevenson had a room at the Blackstone, Johnson was registered at the Hotel Texas.

Here is the play-by-play so far in Texas' closest election in history:

July 24.—Stevenson leads Johnson in first primary by 71,460-vote plurality. Lacking a majority (more votes than all opponents combined), a runoff is necessary for Stevenson with Johnson, the second man, as his opponent.

August 28.—Early unofficial re-

Could Cleopatra Drink a Pearl

Stevenson Apparently Winner

Dallas, Tex., Aug. 31 (U.P.).—Coke R. Stevenson, former Texas Governor, appeared tonight to have shaded Representative Lyndon B. Johnson in the race for the Democratic United States senatorial nomination. It was the closest political contest in Texas history.

The Texas election bureau estimated that only about 100 votes were uncounted when it reported Stevenson with a 296-vote lead in a 3:30 p. m. (CST) (5:30 EDT) tabulation. The unofficial count stood then at 494,468 votes for Stevenson, 494,172 for Johnson.

Neither candidate had conceded and it was certain neither would until the last vote was formally certified. Even then, there was the possibility of court action in some counties to secure recounts.

Formal certification of the winner on the basis of official returns from all of the 254 counties must await the meeting of the Democratic State executive committee

in Fort Worth two weeks hence.

Several errors were corrected and revisions made in the election bureau's unofficial reports during the day. They mainly benefited Stevenson.

This caused Johnson to issue a sharply-worded statement from Austin.

"It is not meant to question the Texas election bureau," he said, "but the fact remains that my gains have been in votes counted and my gains have been steadily offset by 'correction' . . .

"If I lose this election, I want to lose it by the votes of the people and not by mistakes and corrections."

He asked all county chairmen to let a Johnson representative sit in when the formal canvass was made.

He recalled that he lost the Senatorial office in 1941 by 1311 votes and charged that he was "counted out" on the Wednesday after voting day.

Senate Control Fight May Last Past Elections

2 TIMES-HERALD
Washington, D. C.
SUNDAY, OCTOBER 24, 1948

By United Press

The frenzied battle for control of the Senate may continue long after election day and hog-tie the chamber for months to come.

Republicans and Democrats were reported geared today to shift the fight over who runs the Senate from the polling places to the chamber itself. And their plans—involving seat contests—will be slammed into high gear if the Nov. 2 election results give either party only a slight majority.

Taft Sees Gains

Sen. Taft (R) of Ohio predicted that Republicans would retain control of the Senate and increase their slim majority. He predicted victory for G.O.P. Senators Ball of Minnesota, Revercomb of West Virginia and Robertson of Wyoming. He also said Republicans would gain seats in Montana, New Mexico, Tennessee and "perhaps" Texas.

But the Democrats have made similar victory claims for their side. The Senate now has 51 Republicans to 45 Democrats, but Democrats predict they will pick up the four seats they need for a Senate majority.

Actually a 48-48 tie is not impossible.

Both parties are getting set for a post-election fight. Charges and countercharges are being prepared on a "for use if needed" basis. They center on allegations of campaign over-spending and fraud, and they'll be aimed at victors in close races.

G.O.P. Has Advantage

Republicans already have kicked off the wrangle by charging former Gov. Kerr, the Oklahoma Democratic candidate, with spending 10 times more than State law allows in his primary campaigns.

And it was learned that several top-level Democrats met secretly this week to plan a counter-offensive based on Republican spending in several States where election results look close.

In any wrangling over the rights of some senators-elect to their seats, the Republicans will have an important ace up their sleeve.

When the 81st Congress meets at noon on Jan. 3, there will be 63 senators qualified to vote and they'll be divided 33 Republicans against 30 Democrats.

Thus as re-elected and newly elected senators march up the aisle to take their oaths, Republicans at first will have the majority necessary to order a senator-elect to "stand aside"—perhaps for months—while his credentials are examined.

Senators May Probe Primaries Of Texas and Okla. Democrats

Spending by Ex-Gov. Kerr and Victory Of Rep. Johnson May Be Investigated

A Senate elections subcommittee moved yesterday toward possible full-scale investigations of Democratic senatorial primaries in Oklahoma and Texas.

Chairman Jenner (R) of Indiana asked his three-man group to decide quickly whether to look thoroughly into former Gov. Kerr's Oklahoma Democratic Senate primary victory.

Meanwhile, the subcommittee requested election officials in three Texas counties to preserve ballots and other election data in the bitterly disputed Texas primary runoff between Rep. Johnson and former Gov. Stevenson.

Campaign Expenses Attacked

The Hoosier Republican made public a letter to Senators Myers (D) of Pennsylvania and Bricker (R) of Ohio, asking that an early meeting of the subcommittee decide whether the Kerr case merits a full-scale inquiry. A subcommittee investigator accused him of spending \$65,500, about 10 times what Oklahoma law allows.

Myers Friday night blasted the investigator's report as "political" and criticized its release before he had seen it. The letter was dated Friday.

Jenner told Myers and Bricker the preliminary investigation was ordered solely to find out "the real merits of the case."

Simultaneously, an organization of "Jeffersonian Democrats" supporting the Republican National ticket charged that the California regular Democratic committee is violating the Hatch clean politics act.

Preliminary Probe Planned

James W. Mellen, Los Angeles, chairman of the California Jeffersonian Democrats, made the charge in a telegram to Jenner's subcommittee, which said a preliminary inquiry will be made to determine if a full investigation is warranted.

Johnson defeated Stevenson by 87 votes in a Texas primary runoff. Stevenson asked the Senate committee to investigate and announced he would vote for the Republican senatorial candidate on Nov. 2.

Committee counsel B. Nelson Deranian said a Senate investigator now in Texas asked officials of Jim Wells, Zapata and Duval counties to preserve all election data in the disputed runoff.

Meanwhile, Republican campaign manager Brownell yesterday accepted the resignation of Jenner as chairman of the G.O.P. speakers' bureau.

Jenner said the activities of his subcommittee had nothing to do with his decision to give up his job as head of the bureau.

gop had it all settled!!

WASHINGTON POST
Thursday, Oct. 21/48.

Texas Vote Probe Asked of Senate

Former Texas Gov. Coke Stevenson today formally requested a Senate committee to investigate the Democratic runoff primary election in which he lost the senatorial nomination to Representative Lyndon Johnson (D., Tex.).

Stevenson renewed charges made previously in Federal courts of fraud in the election returns of three Texas counties—Duvall, Jim Wells and Zapata—and asked that the ballots in them be impounded immediately.

...ing records of wartime lead-
ers in the Air Force.

Airing of Senate Runoff Due in U. S. Court Today

A full-dress legal contest over represented by a legal staff which Whitfield Davidson would rule the disputed Democratic senatorial nomination was in prospect Monday night as three former governors and a congressman prepared to air the contest in federal court at 11 a. m. Tuesday.

Coke Stevenson, one-time chief executive of Texas, has asked the federal court to set aside the nomination of Lyndon Johnson and declare Stevenson the nominee. His legal battery will be headed by Dan Moody of Austin, a two-term governor of Texas. Lyndon Johnson, congressman from the 10th District, will be to

be the wether Federal Judge T. The principal question appeared whether he would be present. Stevenson plans to attend the hearing: Johnson was unsure will not be reached until the Senate convenes in January since both Johnson and Stevenson have

Turn to Court on Page 2

that the federal court has jurisdiction.

Johnson's lawyers—including John Cofer, Austin; Raymond Buck, Fort Worth; Alvin Wirtz, the Democratic Austin, and Allred—plan to challenge the court's jurisdiction, contending that the Senate itself is the sole and final judge of such contests.

Indeed, a final decision—regardless of court action—probably will not be reached until the Senate convenes in January since both Johnson and Stevenson have

member of the Baptist Church. Column.

MORE ABOUT COURT ACTION

Continued From Page 1.
indicated they will carry the fight to the Senate if need be.

Anyhow, Stevenson's petition to the federal court has thrown a monkey-wrench into election machinery.

At present, a temporary restraining order is in effect which has kept Secretary of State Paul Brown, a defendant, from placing Johnson's name on the sample ballot which is being prepared now for mailing to the 254 counties.

Brown said in Austin Monday that if the restraining order is

dissolved Tuesday, he can still get Johnson's name on the sample ballot. And if he is relieved from the restraining order at a later date, he said he could send a supplemental certification to election. But neither Brown nor the state attorney general's office could say whether the county boards would have legal authority to insert the nominee's name on the ballot in the case of a supplemental certification.

Meantime, it was announced that three Alice men will attend the hearing to support Stevenson's contention that fraud existed in the Jim Wells County voting. They are Harry Lee Adams, chairman, and H. L. Poole, secretary, of the Democratic County Executive Committee. They will be supported by C. W. Price Jr., Alice oil man.

Vann M. Kennedy, secretary of the State Executive Committee who also was named as a defendant by Stevenson, said his attorney—Cecil E. Burney of Corpus Christi—will ask for dismissal insofar as he is concerned because he has already certified Johnson's name to Brown.

Tom Tyson, Corsicana, permanent chairman of the state convention and another defendant, turned his side over to Buck, and does not plan to attend the hearing.

Regardless of Judge Davidson's action, each side indicated it would seek redress in other courts.

Johnson is at Hotel Texas, Stevenson at Blackstone Hotel.

Along with Moody, W. E. Allen, Fort Worth; C. C. Renfro, Dallas, and Josh Groce, San Antonio, and F. L. Kirkendall, Austin, are expected to represent Stevenson.

BUDGET

TEXAS PRESS CLIPPING BUREAU DALLAS

Dallas (Tex.) Times Herald

OCT 28 1948

13-County Quiz Likely

The Times Herald Washington Bureau.
Washington, Oct. 28. — The

probable U. S. Senate investigation of the Texas Democratic runoff primary in which Lyndon Johnson won certification by 87 votes, will be concentrated in only 13 of the state's 254 counties, it appeared today.

Meanwhile, it was learned reliably that the Federal Bureau of Investigation is probing into the Texas Democratic Senate primary race.

B. Nelson Deranian, chief counsel of the Senate elections and privileges subcommittee, announced that all election records of 13 Texas counties have been subpoenaed. Former Gov. Coke Stevenson charged fraud in five of the counties—Jim Hogg, Starr, Jim Wells, Duval and Zapata—and Johnson made the same charge with regard to eight others, Dallas, Harris, Brown, Galveston, Clay, Eastland, Wharton and Chambers counties.

Deranian told a press conference that only those 13 counties would be involved in case the Senate orders an investigation of the Senate primary.

Deranian explained that only a preliminary investigation is under way now, following receipt by the subcommittee of a formal notice by Stevenson that he wishes to contest the election, charging that Johnson had won it through fraud.

The subcommittee counsel pointed out that the subcommittee has

not met following receipt of Stevenson's letter to determine whether or not an investigation will be made.

At the direction of the subcommittee chairman, Sen. William E. Jenner, Deranian dispatched two investigators to Texas to make a preliminary check. Deranian said Jenner ordered them to impound election records in the 13 counties mentioned by Stevenson and Johnson as being the scenes of possible fraud, to prevent their destruction Oct. 27, when records can be destroyed under Texas law.

Dallas Records Impounded.

"Impounding the records," Deranian said, "was only a precaution taken by Sen. Jenner in the event the subcommittee decided to make a full-scale investigation."

When it was pointed out to Deranian that the subcommittee is imposing a hardship on several Texas counties by taking possession of election materials, Deranian said: "Oh, another worry. Well, we'll have to work that one out some way."

Dallas records have been impounded, for example. Since Dallas uses voting machines, and the machines are impounded, the county will have no method of conducting a Nov. 2 election. Also, expensive metal boxes hold the ballots which have been impounded in Harris and other counties. Not only are those materials difficult to replace in time for holding the Nov. 2 ballots, it would be a financial hardship on the counties to replace them.

State Law Violated.

Deranian did not know when the subcommittee will meet to decide whether full-scale investigation is to be conducted. He said he doubted that it will meet until after the general election.

Deranian had no comment on the destruction of ballots in Duval County prior to the time prescribed by state law. Since it is a state law that has been violated, Deranian pointed out, it is up to the state to prosecute for the offense. Neither did Deranian have any comment regarding missing ballots in Jim Wells County.

Deranian said that subpoenaed records will be left "where they are now" for the time being, and presumably they will all be brought to Washington in the event of a contest.

If the Senate does undertake an investigation, it will be the second Texas senatorial election which the Senate has looked into within the last 26 years.

The Senate spent two years in-

vestigating the 1922 Texas senatorial election.

In that year, Earle B. Mayfield, the Democratic nominee who was supported by the Ku Klux Klan, received 136,210 votes more than George E. B. Peddy, a Democrat who was a write-in candidate, in the 1922 general election, according to certified returns.

Peddy contested the election, charging that more than 200,000 votes had been wrongfully counted for Mayfield. Peddy charged fraud in 188 counties.

Hard-Fought Legal Fight.

There was another hard-fought legal battle following the 1922 election, which passed from court to court—state and federal—until the very day before the election. Peddy charged that an injunction was still in effect on election day which prevented Mayfield's name from being printed on any ballot, although it did appear, either printed, stamped, pasted or written on the ballots of 180 counties. Mayfield's name was printed on some but not all of the ballots in eight other counties.

Peddy's name was printed on no ballot, although the Republican party in Texas, in an effort to defeat Mayfield, had withdrawn their Senate candidate and had certified Peddy as the Republican nominee. The attorney general of the state wrote an opinion saying the Republicans had not legally nominated Peddy and his name could not be printed on the ballots.

Mayfield Seated.

After Peddy contested to the United States Senate, the Senate decided to seat Mayfield nevertheless while the investigation of Peddy's complaint was examined. It took two years for the contest to be completed. The Senate decided in favor of Mayfield.

Peddy charged that the placing of Mayfield's name on the ballot in violation of a state court's injunction gave Mayfield "undue, illegal and fraudulent advantage" in the election. Peddy further charged that "Mayfield is wholly lacking in the character and personal temperament, habits and characteristics essential to be qualified" to serve in the Senate. Peddy charged that Mayfield, a member of the Texas Railroad Commission at the time he ran for the Senate, used the fact that his term on the commission had not expired to aid him in receiving campaign contributions from oilmen. Peddy charged that Mayfield's "past and present subjection to, agreement with and obedience to the oath and obligations of the Ku Klux Klan" rendered Mayfield ineligible to serve in the Senate.

Duval, Starr, Zapata, Jim Wells and Jim Hogg also figured in the Peddy contest of Mayfield's

election—when Peddy charged that votes in those counties had been cast by persons who could not read, write, spell or understand the English language and were shown how to mark their election ballots by election officials. With those five counties, which Stevenson had brought into the present contest, Peddy also made the same charge regarding Cameron, Webb, Zavalla, Hidalgo, Ebooks, Nueces, (Bexar and El Paso counties.

Although Peddy filed his contest with the Senate on Jan. 30, 1923, investigations were long, and the hearing on the case did not begin until May, 1924. Hearings lasted until Dec. 10, 1924.

Mayfield served his full term—1923-1929—and was defeated, when he sought re-election, by Sen. Tom Connally, then a member of the House of Representatives.

Two Possible Precedents.

If the Senate follows the precedent of the Mayfield contest, Johnson will be seated, while the investigations are made and the case is settled. In such a case, it would take a two-thirds vote to expell Johnson, if such an action were determined.

On the other hand, if the Senate follows the precedent set when the election of Sen. William S. Vare of Pennsylvania was contested, Johnson will not be seated. The Pennsylvania seat was vacant for more than three years before Vare was finally denied the place. A resolution which passed the Senate prevented Vare from appearing on the floor of the Senate except when the Senate called him. The Senate determined that fraud existed in Vare's election and he was never seated. It takes only a simple majority of the Senate when expulsion from membership is not required. Also, the hold-over Senate votes on resolutions barring senators-elect from appearing on the floor.

Three election contests followed the 1946 elections. Two of the men, both Democrats, were seated pending the investigation. They were Herbert R. O'Connor of Maryland and Harley Kilgore of West Virginia.

A third contestee—Sen. Theodore Bilbo of Mississippi—was made to stand aside, although he was permitted to receive his full pay and an office and office staff while the investigation proceeded.

Bilbo died before the investigation was completed. O'Connor was found to have been legally elected. The Kilgore election contest, however, has not been finished yet, and Deranian said today that investigators of the subcommittee are still in West Virginia gathering information.

TEXAS
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DALLAS

Dallas (Tex.) News

OCT 1 1948

Vote Inquiry Reports Now Await Judge ²⁶⁰

By RAY OSBORNE

Staff Special to The News

CORPUS CHRISTI, Texas, Sept. 30.—Reports of the investigation into the Democratic primary balloting in three counties will be made to Federal Judge T. Whitfield Davidson in Fort Worth, probably Saturday.

James M. Burnett and W. R. Smith Jr., special masters appointed to conduct the investigation, returned to San Antonio Thursday to complete their reports.

Smith was investigating alleged irregularities in balloting in Jim Wells County and Burnett in Duval and Zapata Counties when word was received Wednesday from Judge Davidson to close the probe.

Davidson's action came after Justice Hugo Black of the United States Supreme Court stayed the temporary injunction Davidson had issued prohibiting the placing of Lyndon Johnson's name on the ballot as Democratic candidate for the United States Senate.

Neither Burnett nor Smith would comment on the investigation after its close.

Burnett Thursday issued orders restoring documents and ballot boxes impounded in Duval and Zapata Counties to their custodians. Smith took the same action in Jim Wells County.

Dallas (Tex.) News

OCT 21 1948

Senate Sends Investigator Into Texas

Washington Bureau of The News

WASHINGTON, Oct. 20.—Former Gov. Coke R. Stevenson Wednesday carried to the Senate his fight against Lyndon B. Johnson as the Democratic nominee for United States Senator.

He notified the Senate rules committee that he desired to contest Johnson's "purported election" and urged immediate action to prevent destruction of election records.

The Senate committee moved quickly to assure that ballot boxes are impounded in Jim Wells, Zapata and Duval Counties, where Stevenson claimed fraud already had been uncovered.

A committee investigator left for Texas by plane Wednesday to check into the best and fastest method of putting the election data in the hands of the Senate group.

TO PRESERVE RECORDS

"We are going to preserve those records," said Nelson Derenian, general counsel for the Senate rules subcommittee on election investigations.

Stevenson, in a 2-page single-spaced typewritten letter to the committee, said the Texas election laws authorize destruction of ballots if no contest is filed, within sixty days after a primary.

The dead line for county election officials keeping the ballots and other data intact is next Wednesday, Oct. 27, Stevenson stated.

Johnson was certified by the State Democratic Convention as winner over Stevenson by 87 votes. Stevenson lost a legal fight to keep Johnson's name off the ballot that was decided finally by the United States Supreme Court.

Stevenson not only announced his intention to contest Johnson's nomination but requested the Senate to investigate the run-off primary insofar as it pertained to the Senate election.

He asked the committee to advise him of its action through notice to one of his attorneys, former Gov. Dan Moody of Austin.

Stevenson used the evidence brought out before Federal Dist. Judge T. Whitfield Davidson to back his request for an investigation. He sent along a complete transcript of the 2-day hearing before Davidson in Fort Worth last Sept. 21 and 22.

He also informed the committee that a transcript of hearings held in Jim Wells, Duval and Zapata Counties by Judge Davidson's commissioners is being prepared and will be furnished if required.

STEVENSON VIEWS

"This evidence, in my judgment, reflects conclusively the perpetration of fraud in altering the returns and in stuffing the ballot box in Precinct 13 of Jim Wells County with 200 ballots which were never, in fact, cast by any voter, and in altering the returns in Zapata County in a manner which added 46 votes in Johnson's total and took 60 votes away from the number which I actually received in that county."

Although Stevenson informed the Senate committee he desired to contest Johnson's election, the committee probably will take the position it is without authority to decide a primary election contest.

This attitude will not prevent an investigation, however, said Derenian.

He explained the investigating committee will be interested in developing facts it thinks the Senate may want, if called to pass on Johnson's fitness to serve.

Dallas (Tex.) News

SEP 30 1948

Violations Apparent In Wells Vote Boxes

By DAWSON DUNCAN

Staff Correspondent of The News

ALICE, TEXAS, Sept. 29.—An investigation of alleged voting irregularities in the Democratic second primary ended abruptly Wednesday amid disclosures of many apparent election law violations in Jim Wells County ballot boxes.

W. R. Smith Jr., San Antonio, special investigator for Federal District Court, halted the inquiry on order of District Judge T. Whitfield Davidson, Dallas.

EXAMINING BOXES

He was in the midst of examining all of the county ballot boxes, searching for missing election returns of Precinct 13. That was the box where Coke R. Stevenson charges two hundred votes were added for Lyndon B. Johnson in the week after the election.

Missing records were never found. Nor did the former secretary of the county executive committee return to testify.

Smith halted the hearing shortly after reconvening for the afternoon. Dudley Tarleton, Corpus Christi, one of Johnson's lawyers, advised him Judge Davidson was ordering an end of the inquiry.

After a telephone call and receipt of a telegram, Smith tersely announced to the crowded little coun-

ty courtroom that Judge Davidson "has instructed me to close this hearing and proceed no further."

He announced he will file a report of the inquiry with Judge Davidson not earlier than Friday.

Because testimony was incomplete, Smith said he would not be able to make findings or conclusions.

Stevenson sat in the courtroom when the decision was announced.

"We will continue to do all possible to prevent (anyone) from reaping the rewards of a questionable victory," he said.

The next step, however, he added, had not yet been determined.

Sudden ending of the inquiry left dangling the mystery of the whereabouts of the poll lists, tally lists and returns for Precinct 13.

Luis Salas, Precinct 13 election judge, testified he had borrowed the county chairman's records from the county committee secretary, B. F. (Tom) Donald Jr., cashier of the Texas State Bank.

PARR PRESIDENT

George B. Parr, political power of Duval County, is president, and his brother, Givens A. Parr, is active vice-president of the bank.

Donald's wife testified he had called her Monday night from

Mexico. He did not appear in court.

Salas said the two copies of returns were stolen from his car. Smith was searching the ballot boxes for the third official copy.

Seven of the twenty remained to be opened when Smith ordered permanent adjournment. The records had not been found.

A Johnson lawyer, Everett Looney, at one point exclaimed in court that it appeared election laws had been violated in every box opened. Some were unlocked. Returns in some were unsealed. Keys locking some were attached. Some lacked the official third copies of returns and other papers supposed to be included. One unlocked box contained blank election returns. At least one box had ballots not signed by the presiding judge. All of those conditions are contrary to law.

End of the hearing left numerous witnesses waiting to testify. Among them were several whose names reportedly were on the Precinct 13 poll list but who had made statements they did not vote.

They were among the last 202 voters, which Stevenson challenges.

Meticulously Smith returned the opened ballot boxes to the exact condition in which he found them. New locks were supplied for some ruined by a locksmith in opening boxes for which there were no keys.

Looney and Tarleton had protested bitterly throughout the hearing that Smith's opening of the boxes violated state laws and would prevent their use as evidence if anyone should try to prosecute for tampering with ballots.

It took him more than an hour to wind up the hearing and return the boxes to Mrs. Juanita Hulsey, deputy county clerk, for safekeeping.

Smith will confer Thursday in Corpus Christi with J. M. Burnett, San Antonio, special master for an investigation in Duval and Zapata Counties. On Friday, in San Antonio, he will submit his report to attorneys for Stevenson and Johnson.

TEXAS
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Dallas (Tex.) News

OCT 27 1948

Prober Gets Records of Wells Voting

ALICE, Texas, Oct. 26 (AP).—B. F. (Tom) Donald, former secretary of the Jim Wells County Democratic Committee, Tuesday turned over to a United States Senate investigator records of the August primary runoff in that county.

The documents, however, did not include the records of Precinct No. 13, where former Gov. Coke Stevenson charges about 200 votes were fraudulently added to the total of Lyndon Johnson, Democratic nominee for Senator.

Luis Salas, who resigned Monday as election judge of Precinct 13, testified at a hearing before a federal investigator here several weeks ago that Donald's and his copies of the precinct tally sheets and poll list were stolen from his (Salas') automobile.

Arthur E. Broer, chief investigator for the elections subcommittee of the Senate rules committee, arrived here Tuesday to conduct an inquiry asked by Stevenson, who lost the senatorial nomination to Johnson by eighty-seven votes.

He immediately subpoenaed Donald and County Clerk C. H. (Hap) Holmgreen to produce all records of the election.

Broer instructed Holmgreen to remove the ballots from the boxes and seal them in envelopes. The clerk protested that state law prohibited him from removing the ballots. He planned to take all seventeen boxes, some as large as garbage cans, to the national capital.

Salas resigned Tuesday as Precinct 13 election judge after a group from the Jim Wells County Republican Executive Committee presented County Judge C. Woodrow Laughlin with a petition asking his removal. Frank Rojas, his assistant, also resigned.

The County Commissioners Court will appoint new judges for the precinct Thursday.

Broer also moved into neighboring Duval County Tuesday and subpoenaed ballots from County Clerk J. O. Trevino and other records from the Democratic county secretary.

While here he interviewed witnesses designated by Stevenson in his efforts to prove vote frauds.

An investigation ordered in September by Federal Judge T. Whitfield Davidson in Jim Wells, Duval and Zapata Counties was stopped by the United States Supreme Court through a stay obtained by Johnson.

TEXAS
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DALLAS

Dallas (Tex.) News

SEP 29 1949

TEXAS OFFICIALS READY TO OBEY BLACK'S ORDER

By WILLIAM M. THORNTON

Chief of The News Austin Bureau

AUSTIN, Texas, Sept. 28.—The Secretary of State of Texas will accept any kind of official notice from the clerk of the United States Supreme Court as to the text and direction of Justice Hugo Black's stay order granted Lyndon Johnson Tuesday.

This decision was the result of a conference Tuesday between Acting Secretary of State Kirk R. Mallory and Joe R. Greenhill, executive assistant to Atty. Gen. Price Daniel.

In the absence of any official advice as to the full effect of Black's order, neither Mallory nor Greenhill would make a statement as to what action will be taken in Texas.

"The only thing certain," both said, "is that we will obey any order of the high court as made by Justice Black whether the notice is by telephone, telegraph or mail, just so it is from the clerk of the court."

Not having seen the writ nor had it explained to them the two Texas officials were not prepared to say that it keeps Johnson's name off

Local counsel for Johnson notified Greenhill they had been advised that Black's one-man ruling had been reduced to writing and would be filed in the clerk's office Wednesday morning.

When that is done official service will be transmitted to Texas directed to the proper officials, expected some time Wednesday. It was not known whether it will come direct to the Secretary of State or to Federal Judge T. Whitfield Davidson, who issued the restraining order keeping Johnson's name off the ballot. It may be sent to both and to others in a position to carry out Justice Black's orders.

Mallory closed his office at the customary time Tuesday. He expects no official communications Tuesday night.

It is believed here that the Black order is exactly what Johnson counsel sought, a writ that will get Johnson's name on the official ballot. If that is true Mallory will insert it in the space left blank by virtue of the Davidson restraining order, as he committed himself to obedience of the Black order.

under the situation. In legal sequence they are as follows:

1. Lyndon Johnson's name will go on the ballot as the Democratic candidate for the United States Senate.

2. Johnson's name will remain on the ballot unless removed by some future order of the Supreme Court of the United States or unless that high tribunal acting as a whole dissolves the stay.

3. If the stay is dissolved it will then be up to the United States Circuit Court of Appeals to determine whether Johnson's name shall remain on the ballot or Judge Davidson's restraining order be reinstated and continued.

4. The Supreme Court and the Circuit Court of Appeals both have sessions opening Oct. 4 and the Johnson-Stevenson case is destined to be considered by both tribunals at the same time. The circuit court, of course, must be obedient to the Supreme Court.

5. Absentee balloting begins Oct. 13 and the official tickets, or enough of them for that purpose, easily could be printed during the eight days between a court decision Oct. 4 and absentee voting starting Oct. 13.

6. If the decision is delayed beyond Oct. 13, tickets to be used on Nov. 2 also could be provided up to within five days of the election, or Oct. 28, if ordinary diligence is used in printing and distributing.

7. So, if the tribunal of last resort does not finally act on Oct. 4, there still would be three weeks for further court action.

8. Johnson would be the winner to get his name on the ballot if the Supreme Court upholds Black's stay order as no further court action could then be had. That would be a final decision.

9. It would then be up to the loser in the election to take the case to the United States Senate, which is the judge of the qualifications and eligibility of its own members.

10. Such a contest in the Senate is conceivable, either by Coke Stevenson or Jack Porter, the Republican candidate, if he is defeated for the Senate.

11. A contest in the Senate would loom large if the Republicans continue control of that body, following the Nov. 2 general elections.

legal fight carried on by Stevenson against Johnson. Its interest has been entirely unofficial, however.

Nelson Derenian, general counsel for the committee, said no formal complaints have been received. Shortly after the State Democratic Convention certified Johnson as the nominee, the committee received several letters and telegrams from Texans stating that the conduct of

the run-off election should be investigated in several counties.

A request from Stevenson, backed by proper affidavits, probably would cause the committee to make a preliminary investigation. Derenian has also said that others than Stevenson could properly ask for a probe, provided they furnished substantial facts on which to base their request.

"The committee is not trying to make business for itself, but will consider any legitimate matters that come its way," Derenian said. "For one thing, the committee is not in position to go around hunting something to investigate, even if it had that desire and function."

While the Senate committee would be interested in election frauds, it appeared likely that Stevenson would not stand to benefit personally from an investigation.

By not being a candidate in the general election, Stevenson probably would be barred from a seat in the Senate, even if the Senate should refuse to seat Johnson. Experts here were uncertain about his status before the Senate in event he received a heavy write-in vote in November.

The contest, if it reaches the Senate, could be between Johnson and his Republican opponent, H. J. (Jack) Porter of Houston.

As noted before, the political make-up of the Senate could be important in deciding a contest. If the Republicans control the Senate by a narrow margin, they might not be inclined to seat Johnson if any reasonable excuse could be found for excluding him.

Democrats, if in control, would tend to favor Johnson.

TEXAS PRESS CLIPPING BUREAU DALLAS

Dallas (Tex.) News

OCT 8 1948

BALLOT DISPUTE 260 NEARING SENATE

By WALTER C. HORNADAY

Washington Bureau of The News

WASHINGTON, Oct. 7.—The Lyndon B. Johnson-Coke R. Stevenson contest in Texas edged closer Thursday toward the United States Senate for a final decision.

Stevenson's already hopeless fight to keep Johnson off the ballot as the Democratic nominee for Senator was given another setback in Atlanta, Ga., Thursday.

Attorneys here learned that the Fifth Circuit Court of Appeals instructed Federal Judge T. Whitfield Davidson to dismiss the case in his district court.

RIGHTS AFFIRMED

Johnson's right already had been nailed down by the United States Supreme Court, which upheld the order of Justice Hugo L. Black suspending Davidson's injunction to bar Johnson from the ballot.

Abe Fortas, one of Johnson's Washington attorneys, said the action in Atlanta meant that it was all over for Stevenson, so far as keeping Johnson off the ballot is concerned.

The appellate court not only set aside the injunction, but ordered the case thrown out of district court.

In Austin, Johnson issued a statement, which said in part:

"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.

"I'm particularly happy that both courts—the Supreme Court and the circuit court of appeals—decided the case without a single dissent.

"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."

Stevenson was at his ranch in Junction and was not available for comment.

Stevenson's last legal remedy is now an appeal to the Supreme Court from the appellate court's ruling. This would be a request for the high court to decide whether Judge Davidson has a right to consider the case which the appellate court ordered dismissed.

Samuel Horne, Washington attorney who recently appeared before the Supreme Court for Stevenson, said this kind of appeal could be carried to the Supreme Court on (1) a constitutional issue; (2) a conflict with a decision of another circuit court (3) and on general importance to the public interest.

Whether Stevenson makes another effort to get into the Supreme Court will depend on him and his Texas attorneys.

Because of the time usually required for Supreme Court action on appeals, it is already too late for Stevenson to keep Johnson's name off the ballot.

If Stevenson should finally win in the Supreme Court, it would mean that Judge Davidson could go ahead with his investigation of election frauds in three Texas counties and enter a final injunction against Johnson's name being on the ticket.

The effect of such action might be to make Johnson the illegal nominee of the party. It might open the way for Johnson's opponents to claim that he didn't win the election because he had no right on the ballot.

The Senate election investigation committee legal staff has followed with keen interest the

TEXAS
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Dallas (Tex.) News

OCT 7 1948

Judge Expects Nothing More On Coke's Suit

ABILENE, Texas, Oct. 6 (AP).—Federal District Judge T. Whitfield Davidson said Wednesday he did not expect "further developments" in Coke Stevenson's suit against Lyndon Johnson in Davidson's court.

Obstacles to Johnson's name ap-

pearing on the general election ticket as Democratic nominee for the United States Senate were removed by a United States Supreme Court decision Tuesday.

Stevenson had obtained from Davidson an injunction against Johnson's name going on the ticket. Justice Black of the Supreme Court issued a stay of the injunction and Johnson's name was certified for the ballot. The Supreme Court

Tuesday upheld Black's action.

Davidson made his comment after reading accounts of the high court's ruling.

Stevenson had charged vote frauds in the Aug. 28 second Democratic primary in Jim Wells, Zapata and Duval Counties. An investigation of the voting in the three counties—ordered by Davidson—was stopped when Davidson received Black's order last week.

Texas Press Clipping Bureau
DALLAS

This Clipping From

Daily Times
Wichita Falls (Tex.) ~~Democrat~~

Date **OCT 7 - 1948**

Porter Expects To Reach Senate

Urging the need for a two-party government in Texas, Jack L. Porter, Republican nominee for United States senator, declared here Wednesday afternoon his expectation of winning the race.

"I'm glad they finally cleared up the Johnson-Stevenson controversy; I expect to be elected to the senate, and shouldn't want to win the office by default," he said.

"From one angle, certainly, politics is just like business—it lives on competition," Porter said. "I am convinced that Texas never can realize its fullest possibilities while it continues to be dominated entirely by one political party. Which ever you call it, constitutional government, or 'the American way,' it calls for two-party politics."

"Problems of government often appear highly complicated, sometimes because we're told only part of what's going on, but government and politics must operate pretty largely on everyday, common business sense if they're to succeed," Porter observed. "The Republican Party, which I have adopted, is the only party today which stands for the democratic principles which Texans have been taught all their lives."

'More or Less Drafted'

During and after the Democratic convention at Fort Worth in which Congressman Lyndon Johnson was certified as Democratic nominee for the United States Senate, Porter said, hundreds of Texans urged that the Republican Party present a candidate for that office. Despite his own proposal of other names, the Houston oil man, already state chairman for the Dewey-Warren campaign, was more or less drafted for the senate race, he said here.

With reference to this nation's foreign policy, Porter expressed positive belief that the United States properly can hold only one attitude in Europe—that of firm resistance to Russian expansion to the West and South.

"Actually, I doubt that Russia has overstepped but very little the

bounds laid down before World War Two ended," Porter said. "I think she has taken very little more than was virtually promised. But I'm just as sure that our course should be to draw a firm line and hold it."

Questioned with reference to the future of the United Nations Organization, and its proposed conversion into an actual federation of nations, empowered to enforce its laws, Porter expressed grave doubt that such a federation could be made to work.

Opposes Civil Rights

"I'm sure that a lot of very wise leaders believe sincerely in such a plan," he said, "and I have had little experience in government or politics. But I certainly would be against any plan which would mean pulling our standard of living down to the average level of all the rest of the world in order to form a union with them."

Opposes 'Civil Rights'

The Republican senatorial candidate openly declared opposition to the so-called "civil rights" program of both major parties and the federal Fair Employment Practices Commission Act.

"Except that I think the Republican Party should do all in its power to establish two-party government here in Texas, I wouldn't be in this race," Porter said. "We have a nice home in Houston, a sufficient business there, a son and two grandchildren. We can get along without the salary of a senator, and anyway, it wouldn't be enough to support us in Washington. But I'm in to help preserve our great American form of government in Texas as well as in the nation generally."

Porter was accompanied here by his wife, the former Miss Ilona Campbell of Weatherford, and his secretary, E. Turner. He addressed a group of approximately 100 persons Wednesday night following a dinner at the Woman's Forum. The candidate was introduced by Orville Bullington, prominent Texas Republican leader.

Judge

Hearing Will Resume Today At Fort Worth

Off the Record,
Jurist Asks
That Both Run

FORT WORTH, Sept. 21.—(P)—An attempt by Lyndon Johnson to throw out of court an injunction suit seeking to keep Johnson off the general election ballot was overruled in federal district court Tuesday.

BUT THE argument on whether the court had jurisdiction in the action brought by Coke Stevenson continued after Judge T. Whitfield Davidson said he would overrule Johnson's motion.

There was more than three additional hours of such argument by attorneys. Then at 5 p. m., Judge Davidson adjourned court. The hearing will resume at 10 a. m. Wednesday.

Johnson sought dismissal of the suit on grounds the federal court had no jurisdiction. The Stevenson action, if upheld, would prevent Johnson's name going on the Nov. 2 ballot as the Democratic nominee for United States senator.

THE JUDGE made his ruling as court resumed after a noon recess. Just before that recess Judge Davidson had suggested—off the court record—that Texans be allowed to choose as between Johnson and Stevenson in the general election. When the court resumed, Johnson declined as Stevenson said he favored the suggestion by Judge Davidson.

The small, elderly jurist had interrupted arguments of attorneys for the two candidates to spring his surprise proposal on the tense and crowded courtroom.

For more than an hour attorneys for the plaintiff and defendant had argued whether Davidson's court had proper jurisdiction.

SUDDENLY, THE gray-haired little judge wheeled about in his chair to face the courtroom squarely:

"I save something to say, something that will be off the record and will not influence my decision in this case—

"I suggest—and it is only a suggestion, you understand, made off the record—that supporters of these two candidates get together and recommend to the state Democratic committee that the names of both candidates be placed on the general election ballot in November. In other words, let the people of Texas decide the winner."

THE SILENT audience—Johnson and Stevenson its principal figures—strained to hear the soft-spoken words. The expressionless faces of the candidates provided no clue to their thoughts, but a moment after the jurist had finished, Johnson said, "No comment," and Stevenson said:

"I would be happy to adopt the judge's suggestion."

The first hour of the session, which began shortly after 1 a. m., was filled with the words of attorneys. Former Governor Dan Moody, speaking for Stevenson, argued the court had jurisdiction in the case.

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Ruling Clears Way To Ballot for Johnson

By the Associated Press

The Supreme Court, in effect, cleared the way yesterday for the name of Representative Lyndon B. Johnson to appear on the Texas election ballot as the Democratic candidate for the Senate.

Mr. Johnson defeated former Gov.

Coke Stevenson by 87 votes in the August 28 runoff primary in which almost 1,000,000 votes were cast.

He was later certified by the State Democratic convention as the party's candidate.

However, Mr. Stevenson charged ballot frauds in three South Texas counties and won a Federal court injunction that would have kept Mr. Johnson's name off the ballot in November.

Mr. Stevenson also asked the

THE EVENING STAR, Washington, D. C. • B-3

WEDNESDAY, OCTOBER 6, 1948.

Senate Elections Subcommittee to investigate.

Supreme Court Justice Black, after hearing both Mr. Johnson's and Mr. Stevenson's lawyers argue their cases, on September 28 ordered the Federal court injunction lifted.

At the same time, he warned Fed-

eral judges to steer clear of unimpinging election results.

Mr. Stevenson's lawyers then asked the Supreme Court to throw out Justice Black's orders. But yesterday the high court upheld Justice Black by denying Mr. Stevenson's request.

WASHINGTON POST

Tuesday, October 5, 1948.

High Court Asked to Settle Senate Fight in Texas

By Marshall Andrews

Post Reporter

The United States Supreme Court, opening its 159th year yesterday was asked to intervene in the Texas senatorial fight and to decide whether Congress can ask a witness if he is a Communist.

Former Gov. Coke R. Stevenson of Texas asked the full court to set aside an order issued last week by Justice Hugo Black nullifying a lower court injunction which would have removed the name of Representative Lyndon B. Johnson, Stevenson's opponent, from the ballot. Black's order had the effect of insuring Johnson's election to the Senate.

Johnson's attorney at the same time asked the full court to affirm Black's ruling. His petition, filed by Abe Fortas, expressed "no doubt" that Black had authority to issue the order but held it "advisable" to give the court "a basis upon which it may act independently" if it chose.

Last month Johnson defeated Stevenson in a hotly-fought Democratic primary by 87 votes and the party's executive committee declared him the winner. But Stevenson went before Federal District Judge T. Whitfield Davidson, charged fraud, and obtained an order restraining Texas election officials from placing Johnson's name on the ballot. Johnson promptly asked Justice Black, who has charge of the Federal judicial circuit which includes Texas, to stay the injunction. This Black did last Tuesday, on the basis that the "universal rule" had been that a court could interfere with an election only when authorized by a plain statute.

"It would be a drastic break with the past," he went on, "to

permit a Federal judge and the Federal courts to go into the business of conducting a contest over elections held in a State.

"I think it is impossible to interpret present statutes that Federal courts may go into a State and suspend its process of electing a Senator or a Governor. There is no statutory justification for a Federal court enjoining the steps of an election.

Stevenson's attorneys, in their brief filed yesterday, maintained that a single justice was without jurisdiction to nullify an injunction of a Federal district court. They asked the full court to "restore the status existing at the time the stay order was made."

Chief Justice Vinson indicated without comment that the motions

would be received. It was not known when the Court would act, though it was not expected to do so before next Monday.

Should Black's action be confirmed, Johnson would be elected, since the Democratic nominee in Texas is virtually assured of success in a general election. Should the full Court disagree with Black, the ballot would carry no Democratic nominee for Senator, since the time for submission of nominees under Texas law has expired.

In the second case, John Howard

Lawson, a Hollywood movie writer convicted of contempt of Congress for refusing to tell a House committee if he was or was not a Communist, asked the Court to set the verdict aside as unconstitutional. He was sentenced to one year in jail and fined \$1000 and is now under bond awaiting the outcome of his appeal.

In going directly to the Supreme Court, Lawson sought a quick decision on his contention that the committee violated his rights under the First, Fourth, Fifth,

Ninth and Tenth Amendments to the Constitution. He already has appealed to the United States Court of Appeals here, but told the Supreme Court the question at issue was of such importance it should not wait for the lower court to hand down a decision.

The outcome of Lawson's direct appeal to the Supreme Court no doubt would affect the cases of nine other motion picture writers and directors who also were indicted for refusing to answer the same question.

WASHINGTON POST
Wednesday, Sept. 29, 1948.

The Post

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WASHINGTON

Justice Black's Ruling

Writ Barring Rep. Johnson From Texas Ballot Is Stayed

By The Associated Press

Justice Hugo Black of the Supreme Court ruled in effect yesterday that the name of Representative Lyndon Johnson (D., Tex.) should be on the Texas ballot as Democratic nominee for U. S. Senator.

The Justice stayed a temporary injunction which had been issued in Texas keeping Johnson's name off the November ticket.

Black acted after a four-hour hearing in which he heard counsel for Johnson and his runoff primary opponent, Coke Stevenson, former Texas Governor. Black is in charge of the Fifth Appeals Court Circuit of which Texas is a part. One of the Fifth Circuit judges recently declined to stay the injunction.

Justice Black specified that his stay would remain in effect until the full Supreme Court has had an opportunity to consider the dispute between Johnson and Stevenson.

The court holds its next meeting on October 4. Black did not indicate whether the full court would consider the matter, but said if it did it might act on October 4. The election takes place in November.

Dispatches from Texas have said that October 3 is the final

date for preparation of the State ballot.—Editor's Note.

Stevenson got the injunction after the State Democratic convention found Johnson the winner by 87 votes out of about one million counted.

Explaining his views at the end



Stevenson



Johnson

of the hearings, the Justice stated: "It's the universal rule in the United States that before a court interferes with an election there must be a statute clearly authorizing it."

"There is no statutory justification of a Federal court enjoining the steps of an election. I'm going to grant a stay until the full Supreme Court has an opportunity to consider the matter—if it wants to consider it."

TEXAS
PRESS CLIPPING BUREAU
DALLAS

Dallas (Tex.) News

OCT 26 1948

GOING TO U.S. CAPITAL

Starr, Zapata Vote 260 Seizures Reported

HARLINGEN, Texas, Oct. 25 (AP).—Seizure of ballot boxes, tally sheets and poll lists in Zapata and Starr Counties northwest of here was reported in Harlingen Monday night.

Truman Phelps, Laredo attorney, said Monday night that he accompanied an investigator of the United States Senate committee on elections to the county seats of the two counties, where the voting paraphernalia was impounded.

The investigator, he said, was Joseph Langan, one of two from the Senate committee sent to probe reports of fraudulent voting in South Texas during the August Democratic primary.

Phelps was campaign manager for Lloyd M. Bentsen Jr., candidate for Representative of the Fifteenth Congressional District.

Langan could not be reached by telephone Monday night.

Phelps said the ballots, tally sheets and poll lists were taken into custody by the investigator and would be sent to Washington.

The Laredo attorney said the investigator seized all election

turns and poll lists from three of the four precincts in Zapata County, but that the tally sheets and poll lists of Precinct No. 3 were missing.

The other Senate committee investigator is conducting a similar investigation in Duval and Jim Wells Counties, Phelps said.

The investigations came as a result of charges of fraudulent voting in South Texas made by former Gov. Coke Stevenson, unsuccessful candidate for Democratic nomination as United States Senator.

Rep. Lyndon B. Johnson was certified as the Democratic nominee with a majority of eighty-seven votes over Stevenson.

PEOPLE FINALLY GET THEIR SAY

Widespread Ticket-Splitting By Texas Voters Is Expected

By THE ASSOCIATED PRESS

Texas voters who have listened to months of political persuasion have their say Tuesday in the general election.

They will name 23 presidential electors; a governor, a junior U. S. senator, 21 representatives to Congress and hundreds of other state, district and local officials.

They will decide whether or not to make eight changes in the State Constitution.

Widespread ticket-splitting was expected. The Republicans hoped to make hay of Democratic controversies by electing Jack Porter to the U. S. Senate over Lyndon B. Johnson, and putting Texas in the Tom Dewey rather than the Harry S. Truman presidential elector column. They didn't have much hope in most state races.

The Republicans have been instructing Texans how to divide their vote. They had election supervisors named in many precincts to make certain such split ballots are counted.

Feud Flares

The Stevenson-Johnson feud for the Democratic senatorial nomination spilled over into the general election campaign.

Stevenson backed Porter, claiming Johnson was not the legal Democratic nominee on the basis of alleged fraud in the ballot counting where the 10th District representative led him by 87 votes. The former governor told other Demo-

crats they had no legal or moral obligation to vote for Johnson.

Johnson fought back with a charge that Stevenson had made any full recount of the runoff primary ballots impossible by failing to bring a contest in state courts. Johnson said a complete recount would have given him a more substantial lead in the final Democratic primary.

There were the usual predictions of victory by all parties on election eve.

Smear Campaign Charged

Winding up the Democratic campaign, Rep. Sam Rayburn in a noon radio speech said the Republican campaign was not based on issues, but had degenerated into a smear campaign against Johnson.

In Austin, Johnson wound up his campaign with an appeal for a big vote turnout today.

In a radio speech, the Democratic candidate asked Texans to vote "not on the basis of passion or prejudice, not for reasons of bitterness or rancor but on the basis of reason and intelligence."

Mrs. Johnson shared the radio time with him. She thanked all those who had aided in the campaign and said that neither she nor her husband "ever dreamed that the mudslinging would be so bitter and ugly and would go on and on, past the primary," in the effort to defeat him.

"No one doubts the outcome of tomorrow's election," Johnson

said. "I am humble and grateful in the knowledge that the Democrats of Texas will see fit to send me as their representative to the greatest deliberative body in the world."

'Counterfeit Nominee'

Also in Austin, Stevenson called Johnson the "counterfeit nominee of the Democratic Party" for U. S. senator.

He said Democrats have neither a legal nor a moral obligation to vote for Johnson.

He said he would vote a split ticket for the first time in his life tomorrow, and insisted that Texas courts have held that such split-ticket voting is legal.

The weather promised to be clear and moderate over most of the state on election day. Absentee

Turn to Page 10, Column 3

Sunny Day Forecast

Cooler weather is in prospect for election day with the U. S. Weather Bureau predicting "sunny and not quite so warm" today in Corpus Christi and vicinity. High temperature expected is 78 degrees and low this morning, 60, as compared to yesterday's high and low of 88 and 71.

Sailing will be favorable with moderate westerly winds.

7 Men 'Interested' In Primaries Excused From Jury Service

Call-News Service

ALICE.—Seven men who may have been "directly interested" in the July 24 or Aug. 28 primaries

Cases Are Set For District Court Term

Call-News Service

ALICE.—A four-week term of 79th District Court for Jim Wells County began here Monday with the setting of civil and criminal cases.

Judge L. Broeter set hearings for Nov. 4 on three mandamus suits, filed by supervisors against election judges during the July 24 primary, as follows: E. J. Corrigan vs. O. C. McBryede, Roman Rodriguez vs. Luis Salas and H. L. (Ike) Poole vs. Luis Salas.

No definite setting was made for the suit of Lyndon B. Johnson vs. Coke R. Stevenson, a plea for an injunction, granted by Judge Broeter, to prevent Harry Lee Adams, new county executive committee chairman, from filing an "amended" Aug. 28 primary election return to the state executive committee. The case will be called again.

Raeburn Norris' suit against County Clerk C. H. Holmgreen, asking for removal of Holmgreen from office for "irregularities" in absentee balloting for the July 24 primary, was set for No. 15. Norris was unsuccessful candidate for county clerk in that primary—he filed the suit three days before the election.

Allie B. Peyton, former county judge at law for Harris County, charged with murder without malice in connection with a traffic death in Houston, may be tried at this term of court, it was indicated Monday. His attorneys asked that the case be "called again." The case came to Jim Wells County on a change of venue granted when a Harris County jury could not agree on a verdict.

were excused from grand jury service by Judge L. Broeter in district court here Monday.

This left only nine men in a 16-man panel summoned for the opening of a four-week term of 79th District Court for Jim Wells County, whereupon Judge Broeter ordered Sheriff H. T. Sain to find 10 additional talesmen to report Wednesday morning, following a one-day recess for the general election.

Judge Broeter has already stated informally that he would charge this grand jury to make a "thorough investigation" of the two primary elections. Raeburn Norris, unsuccessful candidate for county clerk, has charged County Clerk C. H. Holmgreen with "irregularities" in absentee voting for the July 24 primary. Coke R. Stevenson alleged that 200 fraudulent votes were added to the Precinct 13 total to favor his senatorial opponent, Lyndon B. Johnson who gained the nomination by a statewide margin of 87 votes.

A. J. Burks, who served as assistant election judge for Precinct 10, was excused by Judge Broeter before actually appearing Monday.

B. F. (Tom) Donald, old secretary of the county executive committee, was excused. He had first told the court that he had been serving as a federal court juror and felt that additional grand jury service "would not be fair" to his employer, the Texas State Bank of Alice of which he is cashier. He was excused by reason of his political connection, rather than for business reasons. Donald was reported to be in Mexico when subpoenaed to appear as a witness in a federal inquiry into the Aug. 28 primary held here Sept. 27, 28 and 29.

Others excused were A. V. Lozano of Premont, chairman of Election Precinct 11; Farley L. Whitt of Bentonville, chairman of Election Precinct 9; Reynaldo San Miguel of Springfield, chairman of Election Precinct 6; Romeo Garcia of Ben Bolt, presiding judge for Election Precinct 17; and Juan B. Gonzales of La Gloria.

Remaining in the original panel

Oct 30

Jim Wells Grand Jury To Begin Vote Inquiry

Call-Times News Service

ALICE —Grand jury investigations of both the July 24 and Aug. 28 primaries in Jim Wells County are scheduled during the four-week term of 79th District Court opening here Monday morning.

Judge L. Broeter has made it known that he will charge the grand jury to make a "thorough investigation" of alleged irregularities in both elections. In the July election, Raeburn Norris, unsuccessful candidate for county clerk, charged county Clerk C. H. Holmgren with "irregularities" in the conduct of absentee voting.

In the August election, Coke R. Stevenson charged that 200 fraudulent votes were added to the total in Precinct 13 to benefit his senatorial opponent, Lyndon B. Johnson—votes that gave Johnson almost three times more than the 87-vote majority by which he gained nomination.

Jury Panel

A 12-man grand jury panel summoned for the opening day of court may not, however, yield the required 12-man grand jury. A former secretary of the county executive committee, B. F. (Tom) Donald, three precinct chairmen and two election officials are listed in the panel which includes A. V. Lozano of Premont, F. L. Whitt of Bentonville, R. San Miguel of Springfield, Romeo Garcia of Ben Bolt, A. J. Burks of Parrita, B. O. Goldthorn, R. I. Kinsel, Jr., Milton Eoff, S. E. Pratz, Jr., J. E. Moore, Gust Tsasmellis, Francisco Barrera and Donald, all of Alice; Albert H. Ehlers of Orange Grove, Juan B. Gonzales of La Gloria and Otto Siedel of Orange Grove.

(A "Francisco Barrera" of Alice was appointed last Thursday to serve as an election judge in Precinct 13 for the Nov. 2 general election.)

Judge Broeter made it clear, following publication of the grand jury list, that no person "directly connected" with the elections of Aug. 28 or July 24 would be permitted to serve on the grand jury. He stated specifically that he would disqualify Donald.

The suit of Raeburn Norris, unsuccessful candidate for county clerk, for the removal from office of County Clerk C. H. Holmgren, is prominent among civil cases listed. Norris charged that Holmgren committed "irregularities" in the conduct of absentee voting for the July 24 primary.

Three other civil actions arising from the July 24 primary, all petitions for writs of mandamus, are still on the docket. One was issued by Judge Broeter to compel O. C. McBryde of Precinct 4 to permit E. J. Corrigan to serve as a supervisor at the polling place. Another was granted to H. L. (Ike) Poole to compel Luis Salas to permit Poole to serve as a supervisor in Precinct 13. The third was the denial of a mandamus to Roman Rodriguez against Luis Salas—Rodriguez also sought to serve as a supervisor in Precinct 13.

Richard Hinnant's suit against Sheriff H. T. Sain for \$1,500 in damages as the result of an alleged illegal seizure of 19 marble tables, is another suit on the docket.

Two land suits, one by T. C. Coker asking \$100,000 damages and possession of an 80-acre tract in

the Seeligson oil field, and one by Lola J. Stephens for \$25,000 in damages and possession of a 20-acre tract in the Seeligson field, both naming Arthur A. Seeligson as defendant, are scheduled for a hearing during this term of court.

Another political suit — it will likely be declared moot — is that of Lyndon B. Johnson against Coke R. Stevenson. Judge Broeter granted an injunction here Sept. 11 to Johnson to prevent Harry Lee Adams, new county democratic executive committee chairman, from making an "amended" election return on the Aug. 28 primary.

Corpus Christi FBI Agents Continuing Check in Duval

ALICE, Texas, Oct. 30. — Arthur E. Broer, special investigator for the Senate subcommittee on elections, left today after talking to Luis Salas, chairman of Precinct 13 in Alice at the time of the August senatorial primary election.

Joseph Langan, the other Senate investigator, remained here. FBI agents George Denton, Ross Walcott, and Merle Timbers — from Corpus Christi — continued their

secret check of the second primary balloting in Jim Wells County.

The Senate investigators came here after their committee directed the impounding of Jim Wells ballots in an investigation asked by former Gov. Coke Stevenson.

Broer questioned Salas about the loss of the poll list and tally sheets of Precinct 13. Salas said he told a federal court special master, that the records were stolen from his automobile about two weeks after the election.

FBI Continues Investigation of Texas Primary

BULLETIN

AUSTIN, Oct. 30. (AP) — Lyndon B. Johnson has made another formal request that Senate Subcommittee on privileges and elections ask Texas election officials to preserve all vote records of the Aug. 28 primary. Johnson said the plea was made to Sen. William E. Jenner.

By THE ASSOCIATED PRESS

The Federal Bureau of Investigation's secrecy-shrouded inquiry into the August Texas Democratic senatorial runoff primary continued today amidst charges by Jack Porter, Republican nominee for the Senate, that Lyndon Johnson was "insincere" in demanding that all ballot boxes in Texas be impounded.

FBI agents arrived in Jim Wells county with orders to make a "preliminary investigation" of the runoff election in four counties. Jim Wells County was one of them, but the other three were not named.

Preliminary Purpose

The purpose of the FBI's preliminary investigation was to determine whether any federal laws were violated in the August balloting. If any violations are uncovered, it was understood a "full-scale" inquiry would be launched.

Coke R. Stevenson, former governor, charged fraud in five South Texas counties. He lost the Democratic senatorial nomination by 87 votes to Johnson.

When the Senate Committee on Rules and Administration began its inquiry, Johnson demanded that the investigation be expanded to cover the entire state. The Senate group instead broadened its inquiry to cover eight counties specifically cited by Johnson.

In a statewide radio address from Waco Friday, GOP Nominee Porter claimed Johnson knew the time element would prevent the impounding of all ballot boxes in

(See SENATE, Page 10.)

SENATE

(Continued)

the state. He said Johnson's demand was simply "a try to deceive the good people of this state."

Sees Trouble for Johnson

The Houston oil man predicted a stormy road ahead for Johnson if he were elected to the Senate. Claiming that Johnson would have trouble in being seated, Porter called on his Democratic opponent to "remove himself from the campaign."

Meanwhile, the FBI agents were known to have at least consulted with the U. S. senatorial agents, Arthur B. Broer and Joseph Langham, who have impounded all the available records of Jim Wells, Zapata, Starr and Jim Hogg counties. Duval county records were burned before the senatorial agents arrived in South Texas. Another ballot burning was reported in Navarro County, which so far has not figured in the investigations.

The FBI's approach to sifting out the actual facts in the bitter Johnson-Stevenson political fight was shrouded in mystery, but the agents were disclosed to have spent considerable time Friday with C. H. Holmgreen, Jim Wells county clerk. He already had given his records to Boer. Neither Holmgreen nor the agents would discuss their meeting.

Coke Urges Vote Probe By Congress

Austin Bureau of The News

AUSTIN, Texas, Jan. 16.—Coke R. Stevenson Sunday called upon Congress to investigate the recent United States Senate election in which he lost to Lyndon Johnson by eighty-seven votes.

The former Governor also offered to provide a Senate subcommittee "additional evidence of fraud and corruption at the polls."

Stevenson addressed a telegram to Sen. Francis J. Myers (Dem.) of Pennsylvania, chairman of the Senate subcommittee on elections, who last week stated there was no contest of the election before the Upper House.

Evidence was presented in federal court testimony that there were more fraudulent votes cast than the majority of votes by which Johnson was elected, Stevenson wired Meyers.

Stevenson said that if there is anything else needed to invoke the Senate committee's jurisdiction "to go into the corruption and fraud of the election" that he would be prepared to assist.

.S. LOST

Coke Insists He Did File Contest

Ex-Governor Wires Senate Election Panel

By The Associated Press

Former Governor Coke Stevenson of Texas insisted Sunday that he has formally contested Lyndon B. Johnson's right to the office of junior US senator from Texas.

In a telegram to Senator Francis J. Myers, chairman of the Senate subcommittee on elections, Stevenson said the committee has before it court records which he claims showed "fraudulent votes in favor of Johnson sufficient to more than account for his majority," and other official documents.

"If anything else is needed to invoke your jurisdiction . . . please advise what it is," Stevenson telegraphed Myers.

"Texas newspapers quote you to the effect that no contest has been filed in the Senate against the legitimacy of Lyndon Johnson's title to a seat in the Senate and further that all your committee had before it was a batch of petitions from several hundred citizens urging that Johnson not be seated."

He then listed the court records that were in the hands of the committee, alleging fraud in vote counting in Duval, Zapata and Jim Wells Counties.

"You may be sure, senator, that more than half of the electorate of Texas contests this outrage," Stevenson said.

Stevenson was referring to hearings held before US district court commissioners in South Texas in connection with his federal court efforts to block certification of Johnson as the Democratic nominee for senator. The US Supreme Court held the district court was without jurisdiction.

Stevenson supported the Republican nominee, Jack Porter, and Johnson won in the General Election.

Grand Jury To Make Study of Duval Election

Callers Times News Service

SAN DIEGO — District Judge L. Broeter made a special charge to a district court grand jury here Monday to make "a thorough investigation" of alleged "fraud" in the Aug. 28 primary election.

The grand jury was empanelled during the opening day of a four-week term of 79th District Court for Duval County.

May Issue Subpoenas

Judge Broeter told the grand jury that there had been a number of "allegations of fraud" in connection with the second primary election in Duval County. He said that the allegations had been made by a senatorial candidate and others, whom he did not name.

The judge told the grand jury to make "a thorough investigation of these allegations," adding "you may issue subpoenas for the appearance of all officials serving in that election, as well as officials of the county executive committee."

There was no indication Monday how long the investigation might last. Jose Tovar was appointed foreman of the grand jury. Other members are Clark King, Jesus Olivera, Jr., Dan Tobin, Jr., A. C. Farias, Diego Gonzalez, R. H. Hudgens, A. V. Barrera, Roy W. Medlin, E. Carrillo, Jr., Henry Norris and Harry Peck.

A federal inquiry into the Aug. 28 voting was begun here last Tuesday by James M. Burnett, special master appointed by Federal Judge T. Whitfield Davidson to investigate charges of "fraud" in Duval County. Of 50 witnesses subpoenaed for the hearing, only eight were found by deputy U. S. marshals.

Coke R. Stevenson had charged that 500 "additional votes" were "found" in Duval County for his senatorial opponent, Lyndon B. Johnson. The state convention certified Johnson as the nominee of the Democratic Party by an 87-vote majority.

GE BROETTER TO ASK WELLS VOTE INQUIRY

Callers Times News Service

ALICE—Dist. Judge L. Broeter said Tuesday he would instruct the next Jim Wells County grand jury to investigate charges of fraudulent voting in Jim Wells County during the August primary.

In nearby San Diego a district court grand jury investigating the Aug. 28 primary election and other matters completed its second day of work without indicating when it might be ready to report.

Judge Broeter specifically charged the grand jury Monday to make a "thorough investigation" of allegations of "fraud" in the second primary election. The allegations were made by Coke R. Stevenson, defeated by Lyndon B. Johnson in the election by an 87-vote margin.

Jim Wells was one of three South Texas counties in which Stevenson charged voting irregularities. A federal court investigation of the voting in Jim Wells, Zapata and Duval Counties was halted by action of United States Supreme Court Justice Hugo Black in Washington. The investigators, in their incomplete inquiry, found some election records missing.

JIM WELLS COUNTY

Six Democratic Officials Summoned in Jury Panel

Callers Times News Service

ALICE—A former secretary of the Democratic County Executive Committee, three precinct chairmen and two election officials are included in the grand jury panel summoned for the November term of district court for Jim Wells County.

Dist. Judge L. Broeter, currently conducting a term of 79th District Court for Duval County, said this week that the grand jury summoned for the term opening here Nov. 1 would be charged to make an investigation of the Aug. 28 election. He made a similar charge

over

to a grand jury in Duval County when he empanelled it Monday.

Refers to Charges

In his charge to the Duval County grand jury, Judge Broeter observed that "allegations" of fraud and of "irregularities" had been made concerning the election there. He referred to charges made by Coke R. Stevenson that "illegal votes" had been added to totals in Duval, Jim Wells and Zapata counties in favor of his senatorial opponent, Lyndon B. Johnson.

B. F. Donald, Jr., retiring secretary of the county executive committee, is one of the grand jury talesmen summoned. He is cashier of the Texas State Bank of Alice and was reported by his wife to be in Mexico when subpoenaed last week to appear before a federal court of inquiry delving into the Aug. 28 primary.

A. V. Lozano of Premont, chairman of Election Precinct 11; F. L. Whitt, chairman of Election Precinct 9, and Reynaldo San Miguel of Springfield, chairman of Election Precinct 6, are also on the grand jury list which was made public Thursday. Also included are Romeo Garcia of Ben Bolt, who served as election judge for Precinct 17, and A. J. Burks of Parrita who served as assistant judge for Precinct 10.

Mayor May Serve

B. O. Goldthorn, mayor of Alice and manager of Parr Machinery & Equipment Co., Inc., and R. I. Kinsel, Jr., tax collector for the Alice Independent School District, have also been called for possible

grand jury duty.

Others in the 16-man list include Albert H. Ehlers of Orange Grove, former county clerk, Juan B. Gonzales of La Gloria, Milton Eoff, S. E. Pratz, Jr., J. E. Moore, Gust Tsasmelis (unsuccessful candidate for county chairman in the July 24 primary and operator of the Palace Grill), Francisco Barrera, all of Alice, and Otto Siedel of Orange Grove.

The list of grand jury talesmen was made by a jury commission consisting of Perry Klatt of Orange Grove, Bruce Ainsworth of Alice and Guadalupe Perez Hinojosa. The jury commission was appointed June 19, 1948, by Judge Broeter.

A special grand jury summoned here Aug. 2 to investigate the July 21 primary was discharged Aug. 16 without returning any indictments. Through its foreman, C. B. Taber, the special grand jury asked that it be discharged and that the next regular grand jury be asked to investigate the election.

Jim Wells Election Officials To Be Taken Off Grand Jury

ALICE, Oct. 9. (UP)—Members of the Jim Wells County grand jury who were connected with the county executive committee or the first primary and run-off elections

faced the prospect Saturday of being excused from jury duty.

A list of the jury members earlier displayed a liberal sprinkling of election officials. District Judge L. Broeter said three days ago that he planned to charge the grand jury with making an investigation into the August election which already had been partially investigated by a master for a federal district court. The jury will convene Nov. 1.

Friday, Broeter said, "I can't very well let a grand jury composed of election officials conduct an investigation into the election. I'll just excuse those disqualified."

The judge explained that the grand jury was selected by a jury commission June 19, quite a while before the first primary and two months before the August 28th election.

The grand jury list includes B. J. Donald, Jr., Alice, retiring secretary of the county executive committee who was subpoenaed to appear before the federal court of inquiry; A. V. Lozano, Premont, chairman of Precinct 11; R. L. Whitt, chairman of Precinct 9; and Reynolds San Miguel, Springfield, chairman of Precinct 6.

Also on the jury list were Romeo Garcia, Ben Bolt, and A. J. Burks, of Parrita.

Pioneer Area Woman Buried

ALICE, Oct. 9. (RNS)—Funeral was held at the First Methodist Church here Saturday for Mrs. Martha Catharina York, 90, Borden near who died Thursday at General Hospital.

W. Hanks, pastor, officiated by the Rev. M. E. Rev. Earl Cressin Snyder Ceme- tery of her hus- S. York, who ternal Home

den Coun- and who re. The county. mis- York er

Grand Jury In Duval May Call Stevenson

SAN DIEGO, Oct. 11. (UP)—The Duval County grand jury was expected today to confer with District Attorney Frank Lloyd on calling former Gov. Coke Stevenson for questioning on his activities in the county in connection with the Aug. 28 runoff primary election.

Street corner politicians were betting that the jury would subpoena Stevenson, former Texas Ranger Capt. Frank Hamer and Master J. R. Burnet of San Antonio for questioning.

Burnet was appointed a special master at law by Federal District Judge T. Whitfield Davidson to investigate alleged irregularities in the county's vote. Stevenson had charged that ballot boxes in Jim Wells, Zapata and Duval Counties had been stuffed after the polls closed.

Hamer accompanied Stevenson at a federal court of inquiry last month conducted by Burnet.

observation that "two candidates for the Senate, both distinguished, are in this courtroom."

"If the people of Texas choose the winner in the general election, then the chances are, he would be allowed to stay in the United States Senate for many years, not just for one term."

"It is important that a man be allowed to stay in the Senate for more than one term. As a one-term, Morris Shepherd would have never been on the important military affairs committee. Tom Connally could never have made in one term the record he has made," the judge said.

"IN SUCH a case as this, public sentiment will crystalize into anti-Stevenson and anti-Johnson sentiment. If this case goes 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 in Texas that the winner has won on a technicality."

Crooker had termed the suit an "election contest." He called for Stevenson forces to "come into the election contest with clean hands."

Moody had asserted the suit was not an election contest "for the Constitution guarantees a man the right to become a candidate and entitles him to an honest count of the votes."

EARLIER MOODY had said he was prepared to present testimony that in one Jim Wells county precinct "a ballot box was stuffed and additional votes added." He said he was prepared to offer affidavits and witnesses.

He said in each of four precincts in Zapata county votes were taken from Stevenson and given to Johnson. He said Stevenson would contend that the returns in Duvall county make a prima facie case of fraud.

That vote, said Moody, was approximately 4600 credited to Johnson and only 40 to Stevenson.

MOODY SAID under Texas law there is no remedy to correct such a wrong as alleged in Stevenson's petition.

"This is a crusade for honesty in the ballot box and protection of this state from fraud deprivation of the people of their choice for this high office," Moody concluded in the opening statement to the court.

Crooker said: "This is no more and no less than an election contest, and it is denied that this court has power of jurisdiction."

HE SAID Johnson's certification by the state Democratic convention was sent to Austin before any defendants were serviced with the restraining order which Stevenson obtained.

He said the plaintiff was trying to get the judge "to extend the federal powers and in effect for the judge to act as a chancellor to prevent state officers from carrying out their plain, statutory duties."

Crooker asserted that none of the grounds presented by Stevenson gave the federal court jurisdiction.

HE REFERRED to "blood cousins of Stevenson" in Dallas county. He said that county sent in five separate vote returns, each favoring Stevenson. He also mentioned Galveston county, calling it "where the papers are emblazoned with indictments for tombstone voting and other fraudulent irregularities."

The state Democratic convention certified Johnson the Texas Democratic nominee for the Senate by 87 votes. Stevenson obtained an order from Judge Davidson restraining Secretary of State Brown from putting Johnson's name on the general election ballot. The hearing Tuesday was on Stevenson's suit for an injunction with the same purpose.

An hour and a half of the period which followed the court's resumption after lunch was occupied by Crooker's continued argument the court had no jurisdiction.

MUCH OF the argument took place after the judge had overruled Johnson's motion to dismiss. Johnson's motion was on the grounds the federal court did not have jurisdiction.

When the court reconvened after lunch, Moody, speaking for Stevenson, said Stevenson "is ready to dispose of the entire controversy in the manner your honor suggested."

Johnson's statement declining the suggestion was read by Crooker. It said Johnson had received a majority of the votes in the second Democratic primary election, and that the state Democratic convention had declared Johnson the nominee.

To voluntarily waive that right would stultify the right of the people, Johnson's statement said.

Senate Reported Ready To Drop Coke's Contest

SAN ANTONIO, June 13.—(AP)—Coke Stevenson's contest of Lyndon Johnson's right to a seat in the US Senate is due to be dropped by the Senate's election committee before July 31 James F. Gardner, Stevenson's attorney, said Monday. He said he would try in the meantime to make a trip to Washington to upset these plans.

Lyndon-Coke Battle Due To Fade Out

Bi-Party Deal Kills Stevenson Vote Contest

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Gardner said the news came to him unofficially from Washington. He believes it is correct, however. His informant stated that the dropping of the contest was the result of a bi-party trade. The name of Homer Ferguson, Michigan Republican, whose seat in the U.S. Senate is also under scrutiny, figures in the reported deal.

According to the report reaching Gardner, both the Ferguson and Johnson contests will be dropped by agreement to insure stability of both parties' strength in the U.S. Senate. Congress is due to adjourn about July 31, Gardner was advised, and both contests would be dropped on the eve of adjournment.

SEP 4 1943

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 afterward I rolled 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 within the next twenty-four hours further 'gains' for my opponent will be reported from other counties. 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 for Stevenson added one vote there was Johnson 1,989 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 executive committees."

SATURDAY DEADLINE

A subcommittee of the State-wide Executive Committee will make the 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. In official were received Friday. Twenty-four 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, Willamson, 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 gave Johnson Frank Webb and Starr. President of the Houston Institute to check voting records of Harris County. He and County Chairman M. L. O. Anderson 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 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 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 returns were being made as official returns from counties were substituted for earlier unofficial returns. Even though unofficial figures based on official returns are unoffical, Robert Johnson, bureau manager, said eighty-three counties had reported official complete returns to him.

Thirty-four official complete returns 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 Cameron County, 40 additional; Johnson with 8 less for Stevenson, and Zapata, were 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 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. Dent 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.

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 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

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,

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Dallas (Tex.) News

SEP 5 1958

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.

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

reached the Democratic office.

Actually, Mrs. Harris should have put both machine totals on each sheet.

REPORT FOUND

Arthur Stevenson said Steger told him Wednesday that he still had the sheet Mrs. Harris sent him. Steger presumed that Mrs. Harris had sent an identical report to the Democratic office.

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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6/14/69
THE HOME NEWSPAPER

Lyndon-Coke Battle Due To Fade Out

Bi-Party Deal Kills Stevenson Vote Contest

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Coke to Drop
Election Protest

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6/14/49
The attorney for Coke Stevenson in his contest of Lyndon Johnson's right to a seat in the U. S. senate says the contest will be dropped.

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James F. Gardner made the announcement Monday, declaring the senate election committee would pigeon-hole the plea before July 31. Johnson defeated Stevenson by a narrow margin in the election last year.

Vote Fraud Quiz Goes On Despite Nod for Johnson

By RAY OSBORNE

Staff Correspondent of The News

SAN DIEGO, Texas, Sept. 28.—A federal investigation of voting in three South Texas counties will continue despite a ruling by United States Supreme Court Justice Hugo Black that Lyndon Johnson's name should be on the November ballot as the Democratic nominee for United States Senator.

This was decided Tuesday afternoon by J. M. Burnett and W. R. Smith Jr., federal commissioners, after they conferred by phone with

Federal District Judge T. Whitfield Davidson, who appointed them. On being informed of the Black ruling, Burnett recessed the hearing here to talk with Judge Davidson and with Smith, who is conducting his end of the investigation at Alice.

DAVIDSON NOT NOTIFIED

(Judge Davidson said in Dallas that he had received no judicial notice of the Supreme Court Justice's action.

"The court will have nothing to say until the order can be studied,"

he said. "The court doesn't know how much the Supreme Court will cover in the order to be signed.")

Missing witnesses and the question of how returns were made held the spotlight here as the investigation into alleged Democratic primary irregularities got under way.

Only eight of more than fifty witnesses subpoenaed were on hand. Subpoena servers reported that the others could not be located. Some were reported on vacation and out of the county.

The probe was ordered by Judge Davidson, who issued a temporary order forbidding the placing of Johnson's name on the ballot.

One of the witnesses served, J. O. Trevino, Duval County Clerk, was reported ill at his home.

Campbell King, chairman of the Duval County Democratic executive committee, was among the missing witnesses. It was reported he had been on vacation "ten or fifteen days."

E. B. Garcia, tax assessor and collector; County Judge Dan Tobin; Clemente Garcia, recent tax assessor and collector; two precinct presiding judges and two clerks were the only witnesses served.

Service could not be brought on nine precinct presiding judges and more than thirty other judges and clerks.

SEARCH ORDERED

Burnett ordered a diligent search for the missing witnesses.

Ben Foster, attorney representing Johnson, told Burnett: "I do not think it is unusual not to find people in this sparsely settled section. The subpoenas were only issued at 4 p.m. Monday."

Shortly before Burnett recessed the hearing he was probing into the question of how the county committee chairman received a report on the ballots cast in Precinct 6.

Ernesto Benavides, the presiding judge, testified he made three copies of the official returns, left one at the schoolhouse where the voting was held and put the other two in the ballot box.

The box was taken by him to the courthouse and turned over to Chairman King, he said.

"Was your precinct reported in the official returns for the county," Burnett asked the witness.

"I do not know," he replied.

After it was explained to Benavides that Burnett meant the canvass of all the county's votes, the election official said: "Yes, my precinct vote was counted."

"How did the county chairman obtain the returns since you say two copies of the official returns were in the locked ballot box and one was at the school?" Burnett queried.

"I do not know," Benavides replied.

"The ballot box was locked when you gave it to the county chairman?" Burnett asked.

"Yes," the Judge said.

"What happened to the list you left at the schoolhouse?"

"I do not know, it was lost when I went back four or five days later," Benavides declared.

"Was the ballot box unlocked in your presence after you turned it over to the county chairman?"

"No."

"Then how did the county chairman obtain the returns from your box if you left a list at the school and the other two were in the locked box," Burnett queried sharply.

"I do not know," replied the election official.

CONTRADICTORY STORY

Another election judge gave contradictory testimony concerning his return list.

Questioned by Jose Montague of Fort Worth, an attorney for Coke Stevenson, Mike Canales, dapper young presiding judge of Precinct 2, gave two versions of his bringing the ballot box.

He also was vague in answering most questions asked by Montague and Burnett.

Canales first said he put all three official returns of the precinct in a ballot box, locked it and brought

See PROBE, Page 10, Col. 1

HOW CONTEST APPEARS NOW

Briefly, these were Tuesday's developments in the Stevenson-Johnson contest:

1. United States Supreme Court Justice Black ruled in effect that Lyndon Johnson's name should go on the general election ballot.

2. Federal commissioners appointed to investigate charges of fraud in three South Texas counties decided to go ahead with the task.

3. The office of the Texas Secretary of State awaited notification of Black's ruling before taking any action regarding the Senate spot on the ballot.

4. Johnson's attorneys asked the State Supreme Court for an order forcing the Secretary of State to fill in the forms with Johnson's name.

5. Sample ballots, with space for the Democratic nominee for Senator left blank, went out to county judges from Austin.

It to County Chairman King on Monday after the election.

On further questioning, after a recess of five minutes, during which Canales was seen talking with Polk Shelton, attorney for the county officials of both Duval and Zapata Counties, Canales said: "I placed three copies of the returns in the ballot box and laid one copy on the table when I brought in the box to Mr. King."

"I understand you said you placed all three returns in the box," Burnett interjected.

"I am not sure now. I was carrying one and laid it on the table in the commissioners court room."

Asked if he could identify the ballot box he returned on Monday, Canales said, "Maybe."

He was taken to a basement room of the courthouse in company of a deputy United States marshal and attorneys.

IN BOILER ROOM

The ballot boxes were found in a boiler room alongside a stack of trash and amid empty milk bottles. The room was locked, but it had two unbarred windows. Canales

could not identify the box he returned.

A. Garcia Jr., deputy county clerk, testified all the ballot boxes for the county were left in the Commissioners Court room for two weeks after the election and then moved to the basement room.

He said the commissioners room always was locked except when he worked there. He also declared the janitor kept the basement boiler room locked except when he went into the room to get supplies.

Master Burnett ordered the impounding of all the ballot boxes used in the county and placed them in the custody of the deputy marshal.

Earlier in the day he had overruled a motion by Attorneys Foster and Shelton to quash the subpoenas. They asserted the federal court had no jurisdiction in the primary election.

County Judge Tobin gave the Stevenson attorneys very little information while on the stand.

He knew the name of only one presiding judge of the eleven. He did not know the total poll taxes paid, did not know whether the county Democratic executive committee chairman had received the election returns.

Too, he said, he had never seen any of the ballots cast in the election nor any of the returns.

E. B. Garcia, county tax assessor and collector, produced the poll tax lists for all eleven precincts when called to testify.

NOT IN OFFICE

He did not, however, have in his office, he said, orders signed by persons authorizing other persons to pay their poll tax.

Montague quoted the law which requires the collector to keep such records on file.

Have you seen any of these orders since Oct. 1, 1947? Montague asked.

"Yes," he replied.

Where?

"I do not know," Garcia said.

How many were there? he was asked.

At first, Garcia said he did not know, but further questioning

brought a statement that he had seen several hundred.

Garcia explained that he has been tax assessor only since Sept. 13, having succeeded his father, Clemente Garcia, but that he had worked in the office nine years.

Burnett ordered Garcia to make a diligent search for the poll tax orders and to total the poll tax lists.

George Parr, leading political figure in Duval County for years, attended the hearing throughout the day.

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Dallas (Tex.) News

SEP 29 1948

INVESTIGATOR LEAVES

Duval County Ballots Not To Be Impounded

Call-Times News Service

SAN DIEGO — Duval County's Aug. 28 primary election ballots apparently will not be impounded by U. S. Senate investigators, Campbell King, chairman of the county executive committee, said Tuesday night.

King revealed that an investigator from the Senate subcommittee on privileges and elections visited Duval County Monday and questioned a number of persons, leaving finally without taking custody of the ballot boxes or their contents. He did not identify the investigator by name.

"He asked me a great many questions," King said. "Afterward I made a long statement, which I signed, concerning the Aug. 28 elections. I reminded the investigator and included it in my statement that a district court grand jury had made an investigation of the election and found no evidence of irregularities."

(King referred to a 79th District Court grand jury which last week reported that a "thorough investigation" of the election yield-

ed no evidence of fraud or irregularities.)

"The investigator went to Mr. J. O. Trevino's office to subpoena the ballot boxes, but Mr. Trevino was ill and his deputy referred him to me," King said.

Lists Stolen

(Luis Salas, presiding judge of Precinct 13 at the Aug. 28 election, testified in a federal inquiry held here Sept. 27, 28 and 29, that two sets of poll and tally lists for the election were stolen from his car on the night of Sept. 15. One list was his and the other belonged to the county chairman, Clarence Martens, Salas said, but Martens' copy was being kept by Donald. Salas said he borrowed Martens' lists from Donald on Sept. 14 to "compare it" with his own after he had read "newspaper reports of irregularities" in connection with the election. Both lists were stolen from his parked car the following night, he testified. The third poll and tally list, required by law to be placed in the ballot box, was not found during the September hearing although the ballots themselves were discovered in one ballot box opened during the September hearing. Donald was subpoenaed to appear at that hearing, but was reported to have left for Mexico on the day the subpoena was issued — he returned to Alice shortly after the investigation was called off.)

Meanwhile an order impounding the Aug. 28 ballots for one year, or until further orders, had been issued by District Judge L. Broeter. The "ballots and supplies may be needed for some legal purpose" the judge wrote in his order. The order was signed late Monday but did not become generally known until Tuesday morning. Judge Broeter made it known informally two weeks ago that he would charge the grand jury to be empanelled here Nov. 1 to make a "thorough investigation" of the Aug. 28 primary in Jim Wells County.

This state court order somewhat complicated Breor's work when he subpoenaed County Clerk C. H. Holmgreen to appear "forthwith" in Washington with the Aug. 28 election ballots in his custody.

Holmgreen first telephoned Judge Broeter, who assured him that he would not be in contempt of the local court order if he turned over the ballots to a Senate investigating committee. But he must make sure that the ballots were not destroyed within one year or until further orders of the court, the judge told Holmgreen.

Then, almost ready to turn over the ballots to Breor, Holmgreen thought of the provisions of Article 3127 of Vernon's Civil Statutes which require the county clerk to retain custody of the ballots for 60 days after an election. He interpreted this to mean that he

could not turn them over to anyone until after midnight Wednesday.

Following a telephone conversation with his Washington headquarters, Breor agreed to wait for the ballots until Thursday morning. At that time Holmgreen may load 18 ballot boxes into his automobile and drive to Washington, D. C. The county clerk made it plain that he would not open the ballot boxes and place ballots and records into envelopes for mailing to Washington, as asked by Breor.

The subpoena issued to Holmgreen follows:

"United States of America

"Congress of the United States

"To: C. H. Holmgreen, County Clerk of Jim Wells County, Texas, greeting.

"Pursuant to lawful authority you are hereby commanded to appear before the subcommittee on Privileges and Elections of the Senate of the United States, forthwith . . . at their committee room, 106 in the U. S. Senate Office Building, Washington, D. C. then and there to testify what you may know relative to the subject matters under consideration by said committee. And you are further commanded to bring with you all ballot boxes containing the ballots cast in Jim Wells County in the Democratic Primary Election held in said County on Aug. 28, 1948, and deposited with you pursuant to the provisions of Article 3128, Revised Civil Statutes, 1925.

"Hereof fail not, as you will

answer your default under the pains and penalties in such cases made and provided.

"To Arthur R. Breor, chief investigator, to serve and return.

"Given under my hand, by order of the committee, this 22nd day of October, 1948.

(Signed) William E. Jenner, chairman of the subcommittee on Privileges and Elections on the Committee on Rules and Administration."

Penalties for failure to heed a congressional committee subpoena range upward to a maximum fine of \$10,000 or 10 years in prison or both.

When interviewed yesterday, Breor, a former member of the White House Detail of the Secret Service, said that all announcements concerning his work must come from the committee in Washington.

"You are the first reporter to catch me since I came to South Texas three days ago," Breor said Tuesday night. "You can say I am here working on an investigation in Jim Wells County and that I am continuing my work. Any other statements of my work must come from Washington."

Breor indicated that he might remain in South Texas several more days—at least until Thursday morning when Holmgreen prepares to turn over his ballot boxes or go to Washington with them.

There were indications that several persons might also be subpoenaed to appear in Washington before the committee, but there was no indication when the committee had set a meeting date.

Previously, Nelson B. Dera

Jim Wells Vote Data Impounded

By JAMES ROWE
Call Staff Writer

ALICE — Ballots and records of the Aug. 28 primary were impounded by a U. S. Senate investigator here Tuesday, as Jim Wells County braced itself for another airing of the disputed senatorial race which Coke R. Stevenson lost to Lyndon B. Johnson by 87 votes.

Arthur R. Breor, chief investigator for the Senate subcommittee on privileges and elections, went into action Tuesday morning when he served a subpoena on B. F. (Tom) Donald, old secretary of the county executive committee. Breor came to Alice Monday, but worked in secrecy until Tuesday morning.

Donald was ordered to produce records of the Aug. 28 election. He complied with the order in the afternoon, but pointed out that the poll and tally lists of Precinct 13 were missing.

about
Oct 26

NEW YORK TIMES,
Sunday, Sept. 5, '48

INQUIRY DEMANDED ON TEXAS PRIMARY

Dallas Newspaper Calls for
One as Johnson Holds Thin
Lead in Count for Senator

Special to THE NEW YORK TIMES.

AUSTIN, Tex., Sept. 4.—Texas voters will not know until Sept. 14 whether they nominated former Gov. Coke Stevenson or Representative Lyndon B. Johnson, for the United States Senate.

While nearly 1,000,000 votes were cast in the Aug. 28 primary, unofficial returns late today showed Mr. Johnson leading by fifty-eight votes.

Nomination by the Democratic party in Texas is tantamount to election.

The see-saw battle of ballots at one time, forty-eight hours after the polls closed and with three-fourths of the votes in, found Johnson with but a lead of eight votes. His lead early today was seventeen.

Former Governor Stevenson, a mild-mannered rancher-banker, conducted a quiet campaign, in contrast to a noisy one by Representative Johnson, during which the latter hurled many charges at his opponent.

"It is becoming increasingly obvious," Mr. Stevenson asserted yesterday, "that a concentrated effort is being made to count me out. 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 one man.

"I would like to know how my opponent knew so much in advance of the 'revisions' of the vote being made today."

Mr. Stevenson predicted more gains would be reported from those counties.

Shortly thereafter, Mr. Johnson, who had been trailing by nearly 200 votes, took the lead.

One of the south Texas counties Mr. Stevenson named, Duval, gave Mr. Johnson 4,622 votes to exactly forty for Mr. Stevenson.

The counties referred to by Mr. Stevenson have heavy populations of Latin-Americans.

The Dallas Morning News, a conservative newspaper, in a front-page editorial today called for an investigation of the election by a State Senate investigating committee.

Mr. Johnson countered with the suggestion that the Federal Bureau of Investigation be brought in.

The State Democratic Executive Committee meets Sept. 13 to make an official canvass of the entire vote. It will certify its count to the state convention in Fort Worth the following day.

Late today Mr. Johnson's total was 494,195 to 494,137 for Stevenson.

TEXAS
PRESS CLIPPING BUREAU
DALLAS

Austin (Tex.) American-
Statesman

OCT 12 1948

'RIGHTS INFRINGED'

Petition to Ask Probe of State Senate Election

The "insurrection and rebellion" clause of the Constitution was invoked here Monday by a group which announced a statewide petition will ask the United States Senate to investigate the recent Texas election, and to refuse to seat Senator Nominate Lyndon Johnson until the inquiry is finished.

Attorney R. Neil Campbell, long active in San Antonio politics, and W. D. Bacon, San Antonio contractor, discussed the petition plans with undisclosed persons in Austin. They announced printed petition forms seeking 1,000,000 signatures will be circulated from headquarters in each county. Campbell will be in charge of state headquarters in San Antonio, he said.

Campbell said the campaign is being made by persons within and without the Democratic Party.

"We don't care who is elected," he said, "but we as citizens feel our rights have been infringed. We don't want to interfere with the election next month, but time is so short we had to start this campaign for signatures before the election."

The petition form asked "an inquiry of the actions and policies of the candidates for senator." It specified this should be made under provisions of Sec. 3, Art. 14, dealing with insurrections and rebellions. "Notice," Campbell said, "the word 'candidates' is in the plural."

Neither of the leaders here, they said, were active in the campaign for either Johnson or his opponent, Coke Stevenson, during the senatorial race.

The petition insisted that the constitutional guarantee of the right of citizens "of a free and unmolested form of government" was "abridged and nullified" in the race for United States Senator.

The petition forms bore the printed signature, "Citizens' Committee Against Political Fraud."

Bacon said he and his group considered it inexpedient to announce names of other members of the committee, or local chairmen, until later in their activity. He and Campbell left a hotel room, in which there were several other persons, to make public a copy of the printed petition form and to announce their plans.

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

reached the Democratic office.

Actually, Mrs. Harris should have put both machine totals on each sheet.

REPORT FOUND

Arthur Stevenson said Steger told him Wednesday that he still had the sheet Mrs. Harris sent him. Steger presumed that Mrs. Harris had sent an identical report to the Democratic office.

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.

Stevenson, Johnson To Be at Convention

By ALLEN DUCKWORTH

Coke Stevenson and Lyndon Johnson are planning to appear in person to look after their interests when the State Democratic Convention meets in Fort Worth next week to proclaim a Senate nominee.

Both have made reservations at the Blackstone Hotel, convention headquarters.

Stevenson confirmed his plans to attend the convention while in Dallas Wednesday afternoon.

"This thing is far from decided as of now," the former Governor declared. He was here to address a meeting of the Society for Advancement of Management.

STEVENSON TRAILS

Unofficial returns show Stevenson trailing by 162 votes. A recheck of the Dallas County vote Wednesday added forty more votes for Stevenson. A new certification to the State Democratic Executive Committee would be necessary to add those votes. Since the official certification date was Saturday, there is doubt whether another corrected total would be accepted.

With both senatorial candidates planning to attend the convention, it is possible that they will meet face-to-face at the executive committee session in Fort Worth Monday.

Should Stevenson desire to contest the primary totals on the basis of charges against the conduct of voting in South Texas counties, it will be before the executive committee that any evidence would be presented. Johnson has hinted that he is ready to match any claims of election irregularities with some of his own.

Stevenson did not reveal how far

he would go in fighting for the Democratic nomination. If Johnson is declared the nominee at Fort Worth, then court action seems the next step, although Stevenson would not comment on that possibility.

Meanwhile, official expense accounts were filed by the candidates with Secretary of State Paul Brown.

Johnson spent \$102.74 more than Stevenson in his Senate race, the figure showed. Johnson's total expenses, he said, were \$9,346.33. Stevenson said his race cost \$9,243.59. State law limits candidates for United States Senate to expenses of \$10,000.

While Dallas County officials looked at the forty Stevenson votes without knowing exactly what to do with them, a Harris County grand jury opened its investigation of alleged voting irregularities in the Houston area. Supporters of Johnson are claiming that forty-seven absentee ballots were withheld from the counting.

MORE FIREWORKS

The senatorial fight is only part of the fireworks being prepared for Tuesday's state convention.

Truman loyalists are ready to resist efforts of the Dixiecrats faction to take over the convention. First round of that fight will come in pre-convention hearings on credentials. That may be Saturday morning, with the Dallas delegation contest called for discussion.

States' Rights Democrats control the officially certified delegation from Dallas. But a pro-Truman rump convention delegation will ask it be seated instead. The executive committee will have final say, but there is sentiment to throw out any delegation that will not pledge itself to support Truman.

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Johnson Says Battle Is Won

Congressman Holds Lead Of 162 Votes Over Coke

BY DAWSON DUNCAN

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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 totaled 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

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. Alkin Jr., of Paris, chairman of the investigating committee.

HAS HAD NO REQUEST

However, Alkin, 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
SEP 5 1949

Dallas (Tex.) News

SEP 30 1948

One Zapata Precinct Fails to Yield Ballots

260 By RAY OSBORNE
Staff Correspondent of The News

ZAPATA, Texas, Sept. 29.—All the Democratic second primary returns of one precinct in Zapata County are mysteriously missing. That was disclosed here Wednesday before word was received that Federal Judge T. Whitfield Davidson closed the hearing into alleged irregularities in the second Democratic primary Aug. 28.

James M. Burnett, special master appointed to conduct the investigation in Zapata and Duval Counties, immediately ended the probe at 2:30 p.m. (Supreme Court Justice Hugo Black late Tuesday issued a stay of a temporary injunction ordered by Judge Davidson.)

Burnett had held hearings in Duval County Tuesday and throughout Wednesday morning here.

None of the persons who handled the election returns of Precinct 3 was able to tell the investigator what had happened to the three copies.

Mrs. Josefa M. Gutierrez, chairman of the county Democratic executive committee, said she did not see the returns until four days after the election.

The law requires presiding judges to make their returns in primaries to the county chairman.

DISAPPEARANCE TOLD

County Judge M. B. Bravo, who did receive all the returns from all four precincts in the county, said the Precinct 3 papers disappeared last week.

He had not notified anyone, he said under questioning while testifying.

Miss Elia Gonzalez, comely presiding judge of Precinct 3, said she thought she gave all three copies of the returns to Judge Bravo about 9 or 9:30 on the night of the election.

The difference in the totals of Precinct 3 as reported by the Texas Election Bureau on Monday following the Saturday election and those officially reported by the county chairman cost Coke R. Stevenson forty votes.

The difference in the two reports for the entire county found Lyndon B. Johnson gaining eighty-seven votes, the exact number more he had in the entire state balloting.

ONLY THREE

Mrs. Gutierrez was testifying when Burnett announced he would impound all of the election returns of the county.

Mrs. Gutierrez handed some large manila envelopes to Burnett. "I see only three envelopes here," Burnett said.

An air of tenseness charged the courtroom and there was not a sound until Mrs. Gutierrez said: "After the meeting of the county committee on Sept. 2 in Judge Bravo's office I laid all four envelopes on his desk and went to the

post office to mail the official canvass of the vote."

She previously testified that for the six or seven years she has been county chairman she kept her files in Judge Bravo's office.

The file was sent for and the chairman was instructed to search it for the missing returns.

They were not found. "Do you have any official documents concerning Precinct 3?" Burnett asked.

"No." She further testified that Judge Bravo was in the office when she left the four envelopes. She also said that he had helped her prepare the report of the vote canvass.

Earlier she said that the election returns, which were supposed to be brought to her, were always left in Judge Bravo's office. All of the returns were in by 10 or 10:30 p.m. election night, other witnesses testified. Judge Bravo, on the stand during the afternoon session, admitted he received all the election returns.

"The reason is that Mrs. Gutierrez is a family woman and does not like to be away from home at night."

Upon questioning by Burnett he said the envelopes were all sealed and that they were continuously in his possession until they were can-

vassed four days after the election. "What happened after the canvass?" Burnett questioned.

"They were on my desk for several days and then I put them in the file."

He discovered they were missing last week, Bravo said.

"I heard some Zapata County people were in Fort Worth testifying about the election here and I got out the returns to see," he said.

"Did you call Mrs. Gutierrez or notify any one of the fact they were missing?" asked Burnett.

"I called her this morning, but did not notify any one," the judge replied.

Bravo, who has been county judge twelve years, admitted under questioning that he was a strong supporter of Representative Johnson and had voted for him.

"I have done it many times before," he stated. Miss Gonzalez, presiding judge of Precinct 3, first said she put all three copies of the returns on Judge Bravo's desk election night.

"What, you mean you did not keep your copy, as you are directed to do by law?" said Joe Montague, Fort Worth attorney representing Stevenson.

"I do not have it. I think I left it here by mistake," she then declared.

Burnett at that time ordered all the ballot boxes used in the county impounded and placed in the custody of the United States marshal.

It developed that Mrs. Anita Ramirez, associate judge of Precinct 3, could not speak or write English and she was questioned through an interpreter.

Miss Sacramento Benavides, clerk in the precinct, was on the stand when Burnett was called to the telephone. He returned to announce:

"I have just been ordered by Judge Davidson to close these proceedings and to restore all impounded documents to their custodians."

He said he would go to Corpus Christi Thursday to confer with W. R. Smith Jr., the master who conducted a similar investigation in Jim Wells County, and to determine what to do with records of the hearing.

The hearing in this tiny inland county seat was a marked contrast to the one in Duval County. Every one of the thirty-one witnesses subpoenaed here were on hand when the session opened at 10 a.m.

Only eight of the more than fifty witnesses sought in Duval County could be found Tuesday.

Dallas (Tex.) News

SEP 5 1960

Johnson Says Battle Is Won

Congressman Holds Lead Of 162 Votes Over Coke

BY DAWSON DUNCAN

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"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

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 flimsy votes, all was

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.

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.

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

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,

"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,

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 Angellina.

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.

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 repeating 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. 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.

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19

TIMES HERALD

Washington, D. C.

WEDNESDAY, OCTOBER 6, 1948

U.N. Votes Trial Of Berlin Issue

(Continued from First Page)

the United States, Britain, France and China. But Russia can be convicted by the U.N. of threatening world peace.

Despite his defeat and his heat in oratorical exchange, Vishinsky was in good humor when he left the council meeting.

After saying people would find out tomorrow what he was going to do Vishinsky was asked:

"Are you going to take part in future debates in the security council?"

"That depends on my mood," he said with a grin.

"But you have not left the U.N.?"

"My statement is clear on that point," Vishinsky replied. "We are not leaving the U.N. We are going to refrain from participation in the Berlin case only."

Uranium Grab Charged

Russia is taking millions of dollars worth of uranium from Czechoslovakia every day, a committee of the general assembly was informed today.

Dr. Jan Papanek, former Czech delegate to the U.N. who was ousted when the Communists took over the government, said the uranium is exported to Russia daily "without any accounting or payment by anyone."

Papanek's disclosure in the budget committee came after Canada and Australia disagreed in the political committee over how to cope with the East-West deadlock over the control of atomic energy.

Gen. McNaughton of Canada, a key figure in the U.N. atomic energy commission, said there will be no world control of atomic energy unless such control is based on the majority-voted