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**“WHAT IN THE NAME OF GOD AM I DO DO? THE BOTTOM  
WAS OUT OF THE BALLOT BOX”**

**C.R. YARBOROUGH’S 1932 COUNTY COMMISSIONER  
ELECTION AND ITS INFLUENCE ON  
RALPH YARBOROUGH’S POLITICAL CAREER**

*by Patrick L. Cox*

Fraud, illegal votes, and a contested election in which the candidate came within a few votes of victory marked the Yarborough campaign. Although he came close to defeating the incumbent, the challenger lost by the slimmest of margins. This was not the Texas governor’s election in 1954 or 1956 – all hotly contested races that Ralph Yarborough lost in which illegal voting and fraud occurred. This campaign was the Democratic Primary in Henderson County in 1932 and the candidate was Ralph Yarborough’s father, Charles R. Yarborough. Even though the young Ralph Yarborough was in Austin serving in his second year as an assistant attorney general, he was involved heavily with his father’s campaign. The character of the race was reminiscent of the later gubernatorial campaigns of Ralph Yarborough in the 1950s. He never forgot the political lessons he learned in this county commissioner’s race and often referred to it during his own state-wide races in the 1950s when he battled incumbent Governor Allan Shivers, Senator Price Daniel, Sr., and the majority of the business establishment in Texas.

In a larger framework, the C.R. Yarborough’s county commissioner campaign in 1932 gives a provocative picture of this era of the state’s history. The race illustrated the domination of influential elites and their control over politics and the economic and social structure of non-urban East Texas counties. Rural political machines in twentieth-century Texas most often are associated with the boss-controlled counties of South Texas. While perhaps not as sophisticated or as dominant as their southern counterparts, the political structure portrayed in this county in 1932 revealed a system controlled by an inner circle of individuals who weathered the onset of the Depression and the New Deal advocates who called for change. The existing power structure demonstrated a remarkable ability to survive the storm of corruption and abuse of public funds and maintain control of the elected officials and the judicial process. Also, because state and federal officials relied on an extensive network of local political machines for their own success, control of the local county offices was a crucial gear in the machinery of a community’s political, social, and economic structure.<sup>1</sup>

The events of the early 1930s significantly impacted Ralph Yarborough’s views and philosophies about government and business. His post-World War II political career involved a number of close electoral campaigns in which charges of fraud and deceit played significant roles. His narrow losses in the governor’s race in 1954 against Allan Shivers and in 1956 against Price

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Daniel, Sr. were bitter struggles tainted with illegal activities. Yarborough's view of politics focused on an ideological battlefield in which he fought for the people's interest over those represented by wealthy corporations and entrenched office holders. His opponents, he believed, often resorted to underhanded and even illegal tactics to thwart his own political ambitions and the will of the majority. In his father's campaign, Ralph Yarborough encountered political and economic forces with which he would tangle for the remainder of his political life. In Yarborough's career, political races were more than just a contest for public office – they became a personal moral crusade based on ideological values. The battle lines were drawn as a choice between truth and justice versus dishonesty and corruption.

In 1932, the ideological battle emerged when C.R. Yarborough faced an incumbent Henderson County commissioner charged with questionable financial activities and abuse of his public office. The Yarboroughs presented documented evidence detailing economic ties between county officials and businesses. In spite of these political liabilities, the local business establishment and others closely involved with the county supported the incumbent. The image of the earnest and forthright challenger facing the entrenched and tarnished incumbent was a theme that dominated his father's race. This same format was repeated in many of Ralph Yarborough's state-wide races. Fighting a campaign on behalf of the people's interests versus those of the corrupt special interests became a focal point of nearly all Yarborough's later political battles. Twenty years later in Yarborough's governor's campaigns, the county commissioner race in 1932 rose again like a political ghost. The gubernatorial challenger hurled charges of illegal activities by incumbent Governor Allan Shivers, whom he linked with corrupt political machines. Like his father, Ralph Yarborough attributed his defeats to vote fraud and theft. Also like his father, he never conceded his loss.<sup>2</sup>

At the time of C.R. Yarborough's local race, Henderson County had changed little since the turn of the century. In 1930, Henderson County had a total population of 30,583 with five of every six persons living on farms or in rural parts of the county. Racially, the county included 1,136 "Mexican" residents and 5,792 "Negro" residents.<sup>3</sup> Cotton was king in Henderson County and the people lived and died relying primarily on the one-crop system. Of the 560,000 acres in the county, a total of 102,882 acres were planted in cotton, producing a total of 21,959 bales in 1932. The reliance on cotton as the principal industry and value of wealth was typical for this era. Although oil was produced in neighboring counties, Henderson County had no producing wells early in the 1930s. Only twelve manufacturing facilities were listed in the entire county in 1932.<sup>4</sup>

In rural counties in Texas, the county commissioner was one of the most important elected officials. Four commissioners and the county judge presided over the county's fiscal affairs. The commissioners' court set the county's tax rate, adjusted the tax rolls, and funded all county offices and programs. Commissioners were elected from individual precincts whose boundaries were drawn by the incumbent commissioners in an effort to maintain the most

friendly base of supporters. One of the most visible functions of the county commissioner was the maintenance of the roads and bridges in his precinct, and the commissioner also hired a number of employees. This provided a small patronage system directly under the county commissioner's supervision. A typical commissioner represented a number of small communities and a larger number of farmers. Henderson County's Precinct 3 included five small communities in the northeastern portion of the county: Brownsboro, Leagueville, Murchison, Opelika and Chandler. None of the communities were larger than 1,000 people, thus not one town could individually elect a commissioner at the expense of the other communities. Many other farmers and tenant farmers lived in unincorporated areas of Henderson County. Like most other East Texas counties, the communities were close knit and people knew their neighbors.

C.R. Yarborough was no stranger to the people in his part of Henderson County. The Yarboroughs moved to their home in Chandler in 1903 and C.R. Yarborough became active in the community. He served as a trustee of the school board of Chandler, as an alderman, and then as mayor of Chandler. He was elected justice of the peace in 1922 and held the Precinct 3 position until he left in 1932 to campaign for county commissioner.<sup>5</sup> As in nearly all local and state elections during this era of one-party politics, selection as the Democratic nominee was tantamount to election.<sup>6</sup>

In addition to his own political aspirations, the county's questionable financial activities motivated C.R. Yarborough to make the race. With the onset of the Depression, the position of county commissioner probably had more appeal from a monetary standpoint. Although the Yarborough family was not destitute, they struggled like nearly all other families in this era. "When times are good the voters pay too little attention to the government," Ralph wrote to his father, "but now that times are hard I believe that the tax payers will listen to a person who stands for economy and honesty in administration and for curtailment of high expenditures and high taxes."<sup>7</sup> This theme advocated by his son became the centerpiece of C.R. Yarborough's campaign and later became part of Ralph Yarborough's political program.

Adhering to his son's advice and no doubt following his own inclinations, C.R. Yarborough released a strong condemnation of the activities of the county government, coupled with a personal appeal for the election of an official whose honesty and integrity was above reproach. C.R. Yarborough's campaign platform called for a "sound, sane, sensible, economical, business administration of the affairs of Henderson County" and declared that "equal rights will be meted out to all, and special privileges to none."<sup>8</sup> This communication and all subsequent pieces written for the campaign were planned and coordinated by the Yarborough family with Ralph and his older brother Harvey taking the most active roles.

The candidate solicited the support of the families and homeowners of the area who were "the principal source from which our revenues are derived, and who constitute the foundation and backbone of our government." Bringing up a hot issue of the time, he announced that as county commissioner he would "put

forth every means and resource known to law, to force the collection, of every dollar of Henderson County's money, and the school children's money, that was lost in the failure of the Athens National Bank of Athens, Texas who closed their door on March 7th, A.D. 1931."<sup>9</sup> The accusations against the commissioner and the Athens County Bank played a critical role in this political race and provided a direct challenge to the financial center of the county.

Alluding to the often sordid affairs on the conduct of local elections, C.R. Yarborough called for a "clean, legal and honest election." His comments may have been directed at past elections which involved election fraud and dishonest officials. By raising the question of the conduct of election officials, C.R. Yarborough directly criticized the local Democratic Party structure as well as the business establishment and elected officials. These comments proved to be prophetic. Henderson County apparently had a history of voter fraud and illegal activities. Election irregularities involving Henderson County voters was an issue in this local race and also in the hotly contested governor's race.<sup>10</sup>

Voters went to the polls in the Democratic primary on July 23, 1932. Two other men and C.R. Yarborough had filed for the office. They included the incumbent Harold C. Turner of Murchison, and J. Saylor of Brownsboro. Also on the ballot that year was a hotly contested gubernatorial election involving incumbent Governor Ross Sterling and former Governor Miriam A. Ferguson. Voters also had to decide on "submission" to a constitutional amendment to the U.S. Constitution. That issue involved repeal of the Eighteenth Amendment, the "prohibition" amendment. Prohibition had attracted the attention of Texas voters for decades and was still a hot topic in Henderson County, a county with a predominantly "dry" or prohibition stance. Candidates, even in local races, ran as a "dry" or "wet" supporter. C.R. Yarborough and the Yarborough family were well known "drys" in Chandler. In a later interview on the race, Ralph Yarborough commented, "My father and family were on the dry side. He was strong against liquor and warned us not to drink or smoke because it would kill us." Yarborough noted that his father received encouragement to run for county commissioner "by some of the drys in town - church ministers and church members of First Baptist Church."<sup>11</sup> However, realizing the divisiveness of the liquor issue, the Yarboroughs attempted to keep the pressure on their opponents' questionable activities and avoid the old wet-dry fight with its longtime divisions within the community.

Henderson County had a total of 4,049 qualified voters who had paid their poll tax, but persons over sixty years of age were not required to pay the \$1.50 annual tax.<sup>12</sup> In the first primary, the submission issue repealing the Eighteenth Amendment passed in Henderson County by a margin of 3,244 to 1,781. Miriam Ferguson led all candidates for governor with 2,742 to Tom Hunter's 1,291. Ross Sterling trailed with 722 votes, followed by the other candidates who received several hundred votes.<sup>13</sup> In the Precinct 3 commissioner's race, incumbent Commissioner H.C. Turner led the race with 437 votes. C.R. Yarborough edged out J. Saylor by garnering 288 votes to 256 for the third place contestant, narrowly making it into the second primary with the incumbent commissioner.<sup>14</sup>

The stage was set for the runoff election on August 27.

A closer look at the first primary election results showed that Commissioner Turner carried his home box of Murchison with 260 votes, compared to 55 for Saylor and 13 for Yarborough. In Chandler, Yarborough led by a substantial margin of 223 votes, compared to Turner's 77 and Saylor's 35. Brownsboro, the hometown of Saylor, went for their candidate with 140 votes with Turner drawing 62 and Yarborough 41. In the remaining two small voting precincts of Leagueville and Opelika, Turner carried Opelika while Saylor won in Leagueville. In Opelika, Turner had 26, Yarborough 4, and Saylor 11. In Leagueville, Saylor had 15, Turner 12, and Yarborough 7.<sup>15</sup> The strategy was simple – C.R. Yarborough had to maintain his vote in Chandler while challenging the incumbent in Leagueville, Opelika, and Brownsboro.

C.R. Yarborough's runoff message to the voters questioned the incumbent's integrity. The Yarboroughs selected three decisions by Commissioner Turner and the Henderson County Commissioners' Court that they believed represented questionable financial dealings. These included collection of delinquent taxes, adjustments made to corporate-owned property assessments, and the commissioner's involvement with the Athens National Bank. To the Yarboroughs, each issue represented favoritism for a few influential individuals at the expense of the general populace of the county. Commissioner Turner's actions played into the overall Yarborough theme of challenging corruption and privilege and calling for honesty and integrity in government. The strategy also placed C.R. Yarborough on a collision course with the business interests in the county.

In the first circular printed for the runoff election, C.R. Yarborough lauded his platform of "sound, sensible, economical administration of the affairs of Commissioners' Precinct 3, to the end that equal rights will be meted out to all and special privileges to none." Concerning delinquent taxes, the candidate declared, "I am not in favor of making any contract with any foreign corporation, or outside individuals, to collect said taxes, and pay them three or four times for said service what it can be contracted for with local attorneys." He added, "I am not in favor of suing and selling out the small home owner at a time of such financial depression as we are in at this time, when he has not got the cash with which to pay his delinquent taxes and has no way by which he can raise it."<sup>16</sup>

While he confronted the issue of delinquent taxes and their collection more pointedly than in the first primary, C.R. Yarborough did not name any specific contracts or firms associated with the charge of a "foreign" contract for collection of taxes. One explanation could be that the Yarboroughs were not totally convinced that the voters in the precinct wanted local attorneys involved in local tax collection. A better conclusion is that the challenger used this as an opening for two other concerns which the Yarboroughs believed would inflame the voters even more than a delinquent tax contract. These involved the issues of the Athens National Bank and the property tax appraisals of two of the better known corporations in the county: Texas Power and Light and two railroads in Henderson County.

According to county records cited by the Yarborough campaign, Henderson County commissioners selected the Athens National Bank as the depository for the county in 1931. Less than a month later, the bank folded and the county lost a large sum of money. Many Henderson County taxpayers questioned the timing and motivation for placing public funds in the Athens bank. Even if the depository was chosen on its merits, the commissioners' court took no action against the bank's owners or officers prior to the campaign. C.R. Yarborough's campaign printings stated that he planned to "put forth ever means and resource known to law to enforce the collection of every dollar of Henderson County's money, and the school children's money, that was lost in the failure of the Athens National Bank of Athens, Texas, that closed its doors on March 7, 1931."<sup>17</sup> Bank failures in Texas and throughout the nation were common in 1932. These losses were among many economic issues that propelled Franklin Roosevelt into the White House in 1932. C.R. Yarborough questioned why the commissioners had failed to pursue the bonds posted by the bank in the sixteen months that followed the bank's closure. Left unsaid, but surely questioned by the people of the county, was whether the commissioners had prior knowledge of the bank's condition and why the county's money was placed in the depository less than a month before its closing. The appearance of impropriety was certainly present.

Challenging the incumbent and bringing the banking establishment into the campaign as an issue made an impact. C.R. Yarborough revealed his thoughts in a letter to his son Ralph before the runoff election: "I believe that I have a mighty good chance to beat my opponent in the run off, but realize that I have a hard fight to make." Commenting on the bank issue, Yarborough believed he had a winning issue but he also had made some powerful enemies. The challenger noted, "because he (Turner) is spending lots of money, and that defunct bank at Athens is helping him, so I have been informed, and also the other banks, as they were connected by having an interest in the stock of that bank." He concluded that the present commissioners' court would take no action to recover the \$100,000 surety bond. "No suit has ever been made by the County, to recover any part of the money lost by the County, and as a matter of course they do not want any brought, and know that the present commissioners, is not going to bring any."<sup>18</sup> C.R. Yarborough claimed that the Athens bank closure was costly to the local taxpayers, increasing the tax rate by fifty cents per \$100 dollars valuation. An increase in taxes as a result of negligence by the county or, even worse, as a result of some implied inside deal between county officials and bank officials, was sure to have an impact on local voters. Because of the economic conditions in 1932, affairs which involved the misuse of funds greatly concerned people in all walks of life.

After shooting the first two campaign shots on delinquent taxes and the Athens bank, C.R. Yarborough issued the third round in a final blast only days before the runoff election in August. No doubt feeling the sting of Yarborough's attacks, Turner and other county officials released information that claimed the commissioners' court raised the property valuation of the large corporations in Henderson County. In response, C.R. Yarborough obtained minutes from the

commissioners' court showing they had reduced the valuation of three major corporations in Henderson County. C.R. Yarborough charged in his campaign circular, "Taxable valuations of the large corporations were LOWERED, not raised" with support from Commissioner Turner.<sup>19</sup> According to Henderson County records, in 1931 the taxable value of the Texas and New Orleans Railroad (T&NO) was valued at \$9,500 per mile instead of the earlier assessment of \$10,000 per mile. Also, the rail lines of the St. Louis and South West Railroad (St. Louis and SW) received reductions. Finally, the tax rolls for 1931 for Texas Power and Light Company changed from \$2.5 million to \$2 million. "In other words, these three corporations paid taxes on \$553,000.00 less than they would have paid on if the valuations had not been reduced." To add insult to injury, the candidate asked, "How much was the taxable valuation of your property reduced in the year 1931?" C.R. Yarborough promised he would not vote for any property reductions "unless there is also a reduction in the taxes of the masses of the people, the owner of the home and the farm and the small business. I favor reducing the taxes of the PEOPLE."<sup>20</sup>

In the final days before the election, the Yarboroughs believed the election was close and their attacks had Turner on his heels. Although his father had reservations on widening the attacks on businesses, Ralph Yarborough approved of the charges against the railroads and utility company. "Papa did not think that desirable, as he said it would bring the railroad and the power and light company into the fight with a lot of influence and money on the other side. He was telling the voters about that order, however." Adding to the charge, he added, "no petition was found asking for reduction of these valuations." Ralph told his brother Harvey, "I think the circular is splendidly gotten up and includes everything it should."<sup>21</sup> The motivation to attack corporations, specifically banks and utility companies, set precedents for future Ralph Yarborough political races. At the time, he was involved as assistant attorney general in litigation against large oil companies. Undoubtedly his success in Austin on behalf of the state pushed the young attorney to urge his father to engage in a broader strategy critical of large corporations.

In addition to the economic issues, the C.R. Yarborough camp also faced a strategic political decision about whether or not to attend a Ferguson rally at Athens just before the election. On Wednesday, August 24, former Texas Governor Jim Ferguson was scheduled to speak at a campaign rally on behalf of his wife Miriam. "I'll be there picking up chips and bringing in water for mamma," said James E. Ferguson, former governor of Texas and stormy petrel in many a hard-fought campaign in this State," the *Athens Daily Review* reported. "The present campaign has resolved itself into a Ferguson-Roosevelt fight against the Sterling-Hoover crowd," Ferguson stated, attempting to link Democratic Governor Ross Sterling with the unpopular Republican President Herbert Hoover.<sup>22</sup> Because of the intensity of the governor's campaign, the Yarboroughs debated its influence on their own race in Henderson County.

"Papa will be there, and will do good if he does not overdo the thing. I told Edward to tell him not to let it appear that he was trying to be seen, but just to be natural, applaud to beat Hell, shake hands with Ferguson when it was

over, talk to the voters of Precinct 3," Harvey Yarborough said in his letter to his brother Ralph. The Yarboroughs feared that Turner would spread some last minute stories that could not be refuted – especially if Turner linked Yarborough to the national Republicans. These included tales "that Papa is a Prohibitionist, voted for Hoover, is for Sterling. Turner can win the race that way, if he only knew it."<sup>23</sup>

Just days before the runoff election, Harvey told Ralph that he believed their father was on the verge of victory as a result of the questions raised about Turner and the commissioners' court's actions. "I believe he (C.R. Yarborough) will win this race unless he pulls some super boner between now and the time the polls close Saturday night." But he tempered his optimism due to one of C.R. Yarborough's remarks to a presiding election judge in Leagueville. C.R. Yarborough told Sells Smith, the Leagueville election judge, "Now Sells, don't cheat me. Smith had agreed with Jule that he would let the election go fair and square, and said papa would get a majority of the votes, but Papa made him sore by this statement," Harvey Yarborough said. Although friends attempted to soothe Sells Smith's ruffled feathers, Harvey Yarborough was uncertain of the outcome. He feared that his father had over-reacted to the final pressures of the race. If things were not "straightened out, then Papa will lose practically all of the votes at Leagueville, as Smith will count them the way he wants to. He owns them lock, stock and barrel."<sup>24</sup>

With a torrid election for governor and a heated race for county commissioner, voters in eastern Henderson County probably did not need much more to entice them to the ballot box. The day of the runoff election, the number of votes increased in Henderson County above the number cast in the first primary. Miriam Ferguson won handily over Governor Ross Sterling by a margin of 3,250 votes to 1,781 votes. And in the final tally, Commissioner Turner defeated C.R. Yarborough by a vote of 551 to 525, a twenty-six vote margin.<sup>25</sup>

According to the *Athens Daily Review*, 112 more people voted in the second primary than in the first one held in July. The greater number of ballots indicated either an influx of new voters or fraudulent ballots. The results of the governor's race in the first primary gave a total of 4932 votes, while in the second primary the number increased to 5042. In commissioner Precinct 3 boxes, more votes were cast than in the first primary in all but one box:

	July primary	August runoff
Chandler	320	382
Brownsboro	239	259
Leagueville	33	26
Murchison	328	344
Opelika	<u>41</u>	<u>44</u>
Total votes	961	1055

The votes in the County Commissioner, Precinct 3 and Governor's races were<sup>26</sup>:

	<u>Yarborough</u>	<u>Turner</u>	<u>Ferguson</u>	<u>Sterling</u>
Chandler	295	92	246	136
Brownsboro	129	135	190	69
Leagueville	13	13	26	0
Murchison	77	278	274	71
Opelika	<u>11</u>	<u>33</u>	<u>43</u>	<u>1</u>
Total votes	525	551	779	277

In addition to these two races, a number of other positions were on the ballot. In both races in Precinct 3, an identical total number of votes were cast for both the commissioner and the gubernatorial candidates in the race – 1,076. According to the *Athens Daily Review*, only 1,055 total votes county-wide were cast. Somehow, twenty-one additional votes were in the totals of the county commissioner and governor's races.

The Yarboroughs immediately raised charges of illegal activities in the county commissioner's vote. The family began discussions in earnest on the number of documented violations and planned a formal election challenge. Although they knew the election was close, the Yarboroughs believed an accurate count would give C.R. Yarborough the victory.

Hoping to overturn the election results, the Yarboroughs began a concerted effort to examining the election results in the boxes outside of Chandler. "There might have been errors in counting the ballots but the bulk of such errors as occurred would probably be in the calling and not in the counting of tallies after they are marked," Ralph noted to his brother Harvey. Although errors in counting the vote totals on the tally sheets would be small, "it ought to be done as it might cut the total down a few votes." Accusations included people who were allowed to vote who had not reached the legal age of twenty-one. Also, the Yarboroughs believed ballots were deliberately changed or marked by Turner's supporters. "I wish there were some way to count the votes in the boxes without having to file a contest," Ralph noted, but he told the family to prepare for a legal challenge in court.<sup>27</sup>

Ralph returned to Austin to his job in the attorney general's office the Monday following the election, but kept up his correspondence and interest in the outcome of the election. His younger brother Donald, who had accompanied him to Chandler prior to the runoff, remained at the Yarborough home in Chandler. He wrote a few days after the election, "Papa's supporters in Opelika and Leagueville are begging him to contest the election. They claim that he carried both those boxes." According to information given to the Yarboroughs, four ballots were illegally cast in Leagueville and "one ballot was marked for Turner for an old woman when she was telling them (election officials) to mark it for Papa. A man in Leagueville said he was broke and didn't have much money, but would give \$5 on the contest fee, because he knew Papa carried that box." Harvey Yarborough's earlier warning about C.R. Yarborough's statement to the election judge in Leagueville may have harmed their cause after all. According to Donald Yarborough, after hearing reports from the various voting precincts, C.R. Yarborough decided to contest the election only a few days after the runoff. "He says he knows he'll beat Turner if he does."<sup>28</sup>

Responding almost immediately to Donald's analysis from the home front in Chandler, Ralph analyzed the situation in a letter to his brother Harvey. The real opposition, he believed, was the business establishment that controlled the courthouse. "Our disadvantage in any contest would be that the Athens' bankers have more money than we have and if it got down to a swearing contest, they could produce more witnesses than we could produce." But even with those prospects, Ralph noted, "if the Leagueville and Opelika people will voluntarily get out and get affidavits from the majority of the voters in each box, why not contest it?"<sup>29</sup>

Only a few days after the Yarboroughs decided to pursue the affidavits in Opelika and Leagueville, a bombshell dropped. Tom Pollard, a friend and supporter of C.R. Yarborough, delivered an explosive message to Ralph Yarborough in Austin. The election judge in Opelika was concerned and asked, "What in the name of God am I to do? The bottom was out of the ballot box and there are no ballots in the Opelika box."<sup>30</sup> To the Yarboroughs, this indeed was the smoking gun from the scene of the crime. The revelation also confirmed their worst fears.

The message increased the resolve of the Yarborough family. And now the Yarboroughs had new concerns. Harvey Yarborough reported that after the runoff election the ballot boxes were stored in the basement of one of the banks in Athens. "Of course, the opposition would have access to said boxes," he concluded. He believed it was too late for any protective measures. "It would not do any good, as their practice was to tear the seals off, doctor the ballots, and put other seals on like the ones that were torn. We figured that the only chance was to get enough voters fastened with affidavits that they would be guilty of perjury if they swore otherwise."<sup>31</sup>

More bad news followed. Harvey also warned that District Judge Ben Dent had a history of rulings against challengers in election contests and in all likelihood would go against the Yarboroughs. Will Justice, the Yarborough's attorney, prosecuted a case before Judge Dent where illegal voting was alleged to have occurred in a contested race for sheriff in another East Texas county. "Dent refused to let him open the ballot boxes, although he had affidavits of more than enough voters to change the result of the election ... Dent will do what the bank crowd at Athens wants him to do." Furthermore, Harvey claimed that their current opponents cheated Will Justice in an earlier race for county judge. While the selection of Justice to represent their case appeared unwise, the Yarborough family wanted the Athens attorney for their case. As Harvey Yarborough explained, "They stuffed the ballot box at Opelika and Murchison when he (Justice) ran for County Judge, didn't turn in the results until Monday, and changed enough votes in the meantime to count him out." After losing the election contest, Justice "represented one of them several years later and they explained to him just how they stole it from him. He knows them."<sup>32</sup> With Justice's knowledge, the Yarboroughs firmly believed they had the evidence and the attorney to change the course of events and break the hold of the business establishment over county politics. The case was set for trial in Judge Dent's court on September 24.<sup>33</sup>

Prior to the trial, Ralph sent his father a pep talk as he prepared for the suit. He warned his father to keep a wary eye on Turner and stay in contact with his supporters. "I think you ought to call on them daily and keep them pepped up and cheered up and enthused with the idea of winning. Keep your witnesses in line or else Turner will try to get them out of the State or change them like he did a bunch of your voters during the last two days before the election," Ralph urged his father.<sup>34</sup> Yarborough's suspicions of his father's opponent were grounded in what he believed were unscrupulous activities which extended beyond the election. Yarborough assumed that since Turner and his establishment supporters managed to steal votes during the election, they certainly would continue their activities after the ballots were counted. He believed that Turner's supporters would stop at nothing to preserve the tainted victory. Too much was at stake for the businesses in Athens to let the law follow its course. The Yarboroughs undoubtedly realized they faced long odds. But they also believed that the truth would overcome their opponents before the court of public opinion.

The first day of the trial, Judge Dent ordered the ballot boxes from the contested areas brought into the court room. "Excitement was tense in the election contest suit of C.R. Yarborough vs. H.C. Turner in district court Wednesday when the Opelika ballot box was opened and the votes recounted by Judge Dent," the *Athens Daily News* reported. "The box was found after a half hour's search and when brought into the court room there was a gapping hole in the side that was large enough for one to reach their hand through. Six ballots shown as cast on the polling list were missing entirely."<sup>35</sup> The Yarboroughs suspicions of ballot box tampering and fraud were confirmed.

Will Justice called on the voters from the Opelika precinct to individually testify. As they took the stand, each was asked how they voted as they were shown their tickets. Four denied that the tickets shown them were the ones they voted. Comparing the actual number printed on the ballots of W.W. Lewis, J.A. Hill, Mrs. Ida Barnes, and Mrs. B.M. Tompkins, each indicated the votes were credited to H.C. Turner. All four witnesses testified in the courtroom that they voted for C.R. Yarborough in the runoff election. Other voters from Opelika gave evidence of fraud. Attorney Justice confronted one young lady who testified she was twenty-one years old with census blanks and a birth certificate indicating she was only twenty. Later, her father took the stand and testified she was twenty-one. Attorney Justice asked why the father had sworn on a census blank in 1923 and in 1925 that his daughter was born in a different year from what he contended. At this point in the testimony, Attorney Sam Holland, representing Turner, interrupted and claimed that the plaintiff had failed to show sufficient illegal ballots to change the result. Holland asked Judge Dent to accept the testimony and make his decision.

"Justice replied vehemently that there was not a legal ballot in the Opelika box. Calling the election judge by name, Justice said that no man could hold an election in any such manner and then tell the honest-to-God man that it was legal. He was severe in his criticism. That the contest will likely be prolonged was evident this afternoon when Attorney Justice called for the Brownsboro

box," the *Athens Daily Review* stated.<sup>36</sup> The attorney's emotional exchanges interrupted the trial and the judge halted the proceedings until the next day.

Another large crowd was on hand in court the next morning. The trial was the talk of the community and a featured story in the local newspaper. "Frequently answers made by witnesses caused spectators to twitter and Judge Dent had to call for order on several occasions." Following the examination of the votes in the Brownsboro and Murchison boxes, the opposing attorneys launched into heated arguments on behalf of their clients. Will Justice again demanded that the Opelika box be "thrown out of the election altogether." Holland maintained that "even if the box is thrown out Mr. Turner would still have a four vote majority." Responding to the challenged voters, Holland said that "every man, woman and child is entitled to vote unless expressly prohibited by the statutes."<sup>37</sup> At the end of the day, the decision was left to Judge Dent to choose the Democratic Party nominee for the general election.

The following day, spectators once again filled the Athens courthouse. Once all parties were in place, Judge Dent ruled in favor of Commissioner Turner. The *Athens Weekly Review* reported "in a decision given in district court at 10 o'clock Saturday morning by Judge Ben F. Dent, H.C. Turner was declared winner of the Democratic nomination for commissioner of Precinct No. 3 by a majority of nine votes." In his decision, Judge Dent stated that he divided the number of votes contested by the two candidates. In his ruling, Yarborough received twenty votes in Opelika and Turner had twenty-four votes. Yarborough's gain in votes failed to provide a sufficient number to offset Turner's victory. Commissioner Turner's runoff victory decreased from a twenty-six vote to a nine-vote margin over C.R. Yarborough - but he remained the victor and the Democratic nominee.<sup>38</sup>

The final newspaper account contained no reaction from the Yarborough family. No written record or any correspondence from any member of the Yarborough family survived the case. Losing an election they believed they had won was a bitter pill for the Yarboroughs to swallow. For a family which so vocally trumpeted their honesty, integrity, and belief in the democratic system, the defeat left a mark on the family and especially Ralph Yarborough for years to come. After that election, C.R. Yarborough never ran for elective office again. However, he remained active in politics and supported his son's many campaigns until his death at the age of 100 in 1959. C.R. Yarborough lived long enough to see his son elected to the U.S. Senate.<sup>39</sup>

This county commissioner's race was significant in that it showed the Yarborough family commitment and involvement in civic affairs. Politics was more than a hobby or passing interest; it became a vocation and an important part of their everyday lives. At the same time, Ralph Yarborough and the rest of his family recognized the difficulties in working the shadier side of electoral politics. They understood that the support of local political bosses who controlled groups of voters was a necessity. Although not as well organized as the political machines in South Texas during this period, local patriarchs managed small numbers of votes in various pockets and communities of the

county. Regardless of a candidate's position or background, everyone had to cultivate support from local political machines to have a chance to win. Integrity and honesty were always important virtues in a candidate. But knowledge of the hierarchical structure of local business and landowner elites was still a necessity to win an election.

These events played a part in what emerged as Ralph Yarborough's political philosophy. As Yarborough discovered, misdeeds in office usually involved money and the distribution of favors to some element of the local business establishment. In this case, those involved were the Athens banks and the officials who ran county government. The incumbent and his supporters managed to subvert the democratic process through fraud at the ballot box and control of the legal process. Unscrupulous activities and corrupt officials working with established businesses later became a recurring theme in Ralph Yarborough's campaigns. He also maintained a long-time distrust of the financial establishment in Texas. The seeds of this antagonism were planted in his father's county commissioner race.

In a wider scope, C.R. Yarborough's race for county commissioner in Henderson County is significant for illuminating politics in the Depression era in Texas. People viewed politics seriously. Even with the poll tax, interest and participation was at a high level during the Depression. Elections and actions by local governments played a large role in people's lives. Even though public services were more limited then, the democratic process played a larger role than it does today. At its best, the system allowed people to voice their opinions and provided a peaceful means for addressing problems. On the negative side, more ballot manipulation and dishonesty occurred. In V.O. Key's model of Southern society, candidates and office holders frequently directed the attention of people to questions involving race or moral issues to divert them from the vital economic issues impacting their livelihood.<sup>40</sup> What Key failed to address was the added power of the establishment to thwart the will of the people through fraud. Evidence of this power occurred in a low-stakes game such as the Henderson County commissioners' race. If these incidents were standard practice at the local level in areas outside of Henderson County, election fraud was indeed widespread. Furthermore, any challenger to the status quo had to make some type of accommodation with the establishment powers to accomplish their political goals.

For people like the Yarboroughs, compromising on principles was never an acceptable solution for changing the status quo. This outlook proved to be a contentious one for Ralph Yarborough throughout his political career. He was destined to be involved a number of close elections in which he was on the losing end. Yarborough's activities and ideas in 1932 set the stage for future frustrations in the 1950s, but his perseverance and dedication to principle and integrity finally lifted him to the U.S. Senate in 1957.

## NOTES

Evan Anders, *Boss Rule in South Texas - The Progressive Era* (Austin, 1982), pp. vii-xvi.. Few in-depth studies and analyses of elections and politics on East Texas are available. For a broader discussion of Texas politics at the local level during this era, see: Norman Brown, *Hood Bonnet and Little Brown Jug, Texas Politics 1921-1928* (College Station, 1984); Dewey W. Grantham, *The South in Modern America* (New York, 1994); George B. Tindall, *The Emergence of the New South, 1913-1945* (Baton Rouge, 1967); George B. Tindall, *The Persistent Tradition in New South Politics* (Baton Rouge, 1975); Rupert Richardson, *Texas: The Lone Star State* (7th ed., Englewood Cliffs, NJ, 1997); Doris T. Asbury, "Negro Participation in the primary and general elections of Texas," (master's thesis, Boston University, 1951); and V.O. Key, Jr., *Southern Politics in State and Nation* (New York, 1949).

<sup>2</sup>"Ralph Yarborough Round Up," radio speech, July 25, 1952, 1952 Governor's Campaign, RY2R558, Center for American History (hereinafter referred to as CAH). Making reference to his father's county commissioner's campaign, Yarborough said in his speech before election day in his first campaign against Allan Shivers, "At my father's table I learned that no man, no political machine had the power to keep a red-blooded Texan from standing for any office the people of Texas had to give." Ralph Yarborough lost to Shivers in 1952 and by a close margin in the 1954 Democratic Party primary runoff campaign. He also lost a close governor's race in the 1956 Democratic Party primary runoff against Price Daniel. Sr.

<sup>3</sup>*Texas Almanac and State Industrial Guide*, 1933 (Dallas, 1933), p. 51.

<sup>4</sup>*Texas Almanac*, 1933, p. 144. The primary manufacturing facilities were cotton gins and brick kilns. Henderson County farmers also reported sales of grain crops, fruits, and vegetables.

<sup>5</sup>Joy Clark, *Chandler, It's History and People* (Jacksonville, Texas, 1981), p. 206. For other descriptions of Chandler and Henderson County in the 1920s and 1930s, see "Henderson County," Walter Prescott Webb, ed., *The Handbook of Texas*, I (Austin, 1952), p. 797; J.J. Faulk, *History of Henderson County Texas* (Athens, Texas, 1929).

<sup>6</sup>O. Douglas Weeks, "The Texas Direct Primary System," *Southwestern Social Science Quarterly*, Vol. XIII, No. 2 (September, 1932), p. 5.

<sup>7</sup>Ralph Yarborough to C.R. Yarborough, April 13, 1932, C.R. Yarborough - Commissioner Campaign file, Ralph Yarborough law office. The C.R. Yarborough campaign files and other files from this event were located at the Ralph Yarborough Law Library and are scheduled to be donated to his papers, which are housed at the CAH.

<sup>8</sup>C.R. Yarborough campaign platform, typed copy, undated, C.R. Yarborough - Commissioner Campaign file.

<sup>9</sup>C.R. Yarborough campaign platform.

<sup>10</sup>C.R. Yarborough campaign platform. The governor's race in 1932 featured the resurgence of James and Miriam Ferguson. Miriam Ferguson challenged incumbent governor Ross Sterling in a campaign that pitted "Fergusonism" against Governor Sterling, who was closely identified with major oil companies. The primary also included a provision that called for the repeal of prohibition - the Eighteenth Amendment.

<sup>11</sup>Ralph Yarborough interview with author, June 9, 1994, Ralph Yarborough residence, Austin, Texas.

<sup>12</sup>*Texas Almanac*, 1933, p. 290.

<sup>13</sup>*Texas Almanac*, 1933, p. 271.

<sup>14</sup>*Athens Daily Review*, July 25, 1932, Archives Collection, *Athens Daily Review* newspaper office, Athens, Texas. The archives include bound copies of the *Athens Daily Review* and the *Athens Weekly Review* newspapers.

<sup>15</sup>*Athens Daily Review*, July 25, 1932.

<sup>16</sup>"To the Voters of Commissioners' Precinct No. 3," campaign circular, C.R. Yarborough - Commissioner Campaign file.

<sup>17</sup>"To the Voters of Commissioners' Precinct No. 3."

<sup>18</sup>C.R. Yarborough to Ralph Yarborough, July 28, 1932, C.R. Yarborough - Commissioner

<sup>19</sup>“To the Voters of Commissioners’ Precinct No. 3.”

<sup>20</sup>“To the Voters of Commissioners’ Precinct No. 3.”

<sup>21</sup>Ralph Yarborough to H.J. Yarborough, August 22, 1932, C.R. Yarborough – Commissioner Campaign file.

<sup>22</sup>*Athens Daily Review*, August 24, 1932.

<sup>23</sup>Harvey J. Yarborough to Ralph Yarborough, August 24, 1932, C.R. Yarborough – Commissioner Campaign file.

<sup>24</sup>Harvey J. Yarborough to Ralph Yarborough, August 24, 1932.

<sup>25</sup>*Athens Daily Review*, August 29, 1932.

<sup>26</sup>*Athens Daily Review*, August 29, 1932.

<sup>27</sup>Ralph Yarborough to H.J. Yarborough, August 31, 1932, C.R. Yarborough – Commissioner Campaign file.

<sup>28</sup>Donald Yarborough to Ralph Yarborough, September 4, 1932, C.R. Yarborough – Commissioner Campaign file.

<sup>29</sup>Ralph Yarborough to Donald Yarborough, September 7, 1932, C.R. Yarborough – Commissioner Campaign file.

<sup>30</sup>Ralph Yarborough to H.J. Yarborough, September 17, 1932, C.R. Yarborough – Commissioner Campaign file.

<sup>31</sup>H.J. Yarborough to Ralph Yarborough, September 20, 1932, C.R. Yarborough – Commissioner Campaign file.

<sup>32</sup>H.J. Yarborough to Ralph Yarborough, September 20, 1932, C.R. Yarborough – Commissioner Campaign file. Will Justice was district attorney of Henderson County during the 1920s and a friend of C.R. Yarborough. Will Justice, the father of U.S. District Judge William Wayne Justice, was one of the outstanding trial attorneys in East Texas during this era. In East Texas, the saying was “there was no justice but Will Justice.” For more information on Will Justice and William Wayne Justice, see Frank R. Kemerer, *William Wayne Justice* (Austin, 1991).

<sup>33</sup>*Athens Daily Review*, September 14, 1932. The *Athens Daily Review* reported, “maintaining that he had received the majority of the legally cast votes for the office of county commissioner form Precinct 3, C.R. Yarborough, defeated candidate for that office, Monday filed suit in district court alleging illegal balloting and fraudulent practices in the Murchison and Opelika voting boxes.”

<sup>34</sup>Ralph Yarborough to C.R. Yarborough, September 20, 1932, C.R. Yarborough – Commissioner Campaign file.

<sup>35</sup>*Athens Daily Review*, September 29, 1932.

<sup>36</sup>*Athens Daily Review*, September 29, 1932.

<sup>37</sup>*Athens Weekly Review*, September 30, 1932.

<sup>38</sup>*Athens Weekly Review*, October 6, 1932.

<sup>39</sup>Ralph Yarborough interview, April 6, 1994.

<sup>40</sup>V.O. Key, *Southern Politics in State and Nation* (New York, 1949).