

GREGORY VS. STUBBLEFIELD, 1958

by

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OUTLINE

Thesis: A number of factors contributed to the defeat of Rep. Noble Gregory in the 1958 Democratic Primary in the First District of Kentucky, not the least of which was voter fraud in Logan County.

I. The preliminaries

- A. The participants
 - 1. Noble Gregory, Member of Congress
 - 2. Frank Albert Stubblefield, challenger
- B. The campaign
 - 1. Issues non-existent
 - 2. Methods
 - 3. Influences from outside
- C. Primary night

II. The aftermath

- A. The court battle
- B. The appeal
- C. The Congressional investigation

CONCLUSION

In May, 1958, voters of the First Congressional District of Kentucky did an unprecedented thing--they denied renomination to an incumbent Congressman. Until Congressman Noble Gregory was defeated in his renomination bid in 1958, victory in a party primary was a foregone conclusion.

The defeat of Gregory was preceded by a lackluster campaign. The incumbent's major opposition came from a two term railroad commissioner, virtually unknown outside his home town. The numbers should have been with Gregory--twenty-two years of service under his belt, number two man on the influential Ways and Means Committee, only sixty-one years old, by no means over the hill and a 14,000 vote victor in the 1956 primary. But the numbers failed Noble Gregory. Why?

In this paper I will examine the First Congressional District Primary of 1958, the campaign and its aftermath in an attempt to explain one of the rarest of political phenomenon, the defeat of an incumbent Congressman.

The Congressional career of Noble Gregory began on a sad note in 1936. Upon the death of his brother, incumbent Congressman Voris, Gregory was selected by the Democratic Party leaders to appear on the November ballot.¹ Brother Voris had been elected ten years earlier in a very hotly contested election. His gift of oratory and dynamic campaign style carried the day for him. His major contribution in Washington was authorship of the Lindbergh Law, the National Anti-Kidnaping Act. He was effective in Washington, and had few worries back home because brother Noble was constantly mending fences.

¹Bill Powell, "The Story of Congressman Gregory", The Paducah Sun-Democrat, 11 Jan., 1959, p. B-1.

Voris Gregory's anticipated lengthy career was cut short in 1936 when he was seriously injured in a bathroom fall. He improved sufficiently to win renomination in the August primary, but fell gravely ill shortly thereafter and died in October.²

Still distraught after his brother's death, Noble Gregory hesitated when the Democratic Party's nomination was offered. He had always shunned the limelight, working in the background of his brother's campaigns. He was comfortable in the First National Bank of Mayfield, anticipating a long, successful banking career.

But Democratic leaders in the First District were impatient. With a November election approaching, there was little time to mull over the situation. They assured Noble of victory against the token Republican opposition, and no less a political giant than Senator Alben Barkley called on Gregory to make the race. He did, and swept to victory on the coattails of President Franklin Roosevelt.³

Gregory rose steadily through the ranks in Congress, and by 1958, was vice-chairman of the Ways and Means Committee. "Gregory was never a speech maker, and he never shoved himself out front. He did his work in the cloakroom, and behind the rail, and wherever he could do legislative business with a colleague."⁴ Evidence of Gregory's effectiveness bisects the First District. Through his tireless efforts in the House of Representatives, legislation was approved creating Kentucky and Barkley Dams and the lakes that went with them, both major Tennessee Valley Authority projects--and boons to the economy of Western Kentucky.

²Ibid.

³Ibid.

⁴Powell, "Story", p. B-2.

When the appropriation for Kentucky Dam construction first came up before the house, it was defeated by seven votes. Between that time and the next, Gregory talked with almost all the Congressmen who opposed the measure. The result was overwhelming endorsement of the project. Years later, the appropriation for Barkley Dam was left out of President Eisenhower's budget. Undeterred, Gregory went to work, and managed to get the 182 million dollar appropriation tacked onto the budget. He used his influence as vice chairman of Ways and Means to perfection.⁵

Gregory was apparently on rather even terms with the majority of his constituents. He had a long standing tradition of mailing seeds and pamphlets to his constituents, and letters in his files from the voters numbered over half a million. He not only was apparently well-liked by the people, he had the respect of his fellow Representatives, and a decent record. Gregory had begun to think of himself as an automatic Congressman, a lifetime member of the body.⁶

Frank Albert Stubblefield challenged an incumbent of some stature in the Democratic Primary of 1958. It was a calculated risk for Stubblefield, a two term Railroad Commissioner, and veteran of numerous campaigns as both worker and candidate. In 1938, he served as county campaign chairman for Senator Barkley, and was rewarded with a job as director of the 1940 census in Western Kentucky for his efforts.⁷ Coincidentally, the first campaign in which Stubblefield took an active

⁵Ibid.

⁶Bill Powell, letter, March, 1974, p. 5.

⁷Danny Hatcher, "Frank Stubblefield Is First District Congressman", The Mayfield Messenger, December, 27, 1969, p. ___.

role was also the first re-election effort of Congressman Noble Gregory.

Stubblefield won his first elective office in 1939 when he was elected to the Murray City Council. Twelve years later he sought and won a seat on the Kentucky Railroad Commission, laying the groundwork for future district wide races.⁸ He was reelected in 1955, but resigned after three years to challenge Gregory.

Three other candidates filed for the Congressional nomination in the Democratic Primary of 1958. A.L. Williams, Cunningham campaigned sparingly. He did bring some culture to the proceedings--he was Kentucky's poet laureate. John Otis Pasco, Murray, was the fourth campaigner, and a Paducah man, Harry Lessley filed candidacy papers but never campaigned.⁹

The campaign prior to the May voting was relatively uninfluenced by national affairs. "At the close of 1957, the nation skidded into the most serious recession since the war. By late spring, industrial production dropped 14 percent below the level of a year earlier, and approximately five million people were unemployed."¹⁰ Despite the bleak state of affairs on the national level, persons close to the Primary said national affairs influenced the race very little.¹¹ Stubblefield himself downplayed national affairs as an important factor in the race.¹²

There is no denying the influence of state political affairs on Primary, 1958, especially the affairs of a state leader and an old foe of his.

⁸Ibid.

⁹"Light Vote Forecast for District", The Paducah Sun-Democrat, May, 26, 1958, p. 1.

¹⁰T. Harry Williams, Richard Current, and Frank Friedel, A History of the United States Since 1865 (New York: Knopf, 1969), p. 716.

¹¹Interviews with L.M.T. Reed, attorney for Gregory, and Calloway County Court deputy Clerk, Dewey Ragsdale.

¹²Frank Albert Stubblefield, interview, March 18, 1974.

The Democratic party in Kentucky was obviously factionalized in 1958. On the one hand were supporters of Governor A.B. 'Happy' Chandler, on the other, many factions united by a common bond: Anti-Chandler sentiments. Chandler had a vested interest in the outcome of the Congressional race in the First District. A victory for a candidate with whom he was identified would improve the chances of his handpicked nominee for governor in the upcoming gubernatorial primary in 1959. Given success in May, 1958 and May, 1959 Chandler's hopes of getting Kentucky's delegates at the Democratic National Convention would be greatly enhanced. Chandler chose to support the incumbent, Gregory, not because of any great ideological connection, but because Gregory looked like a sure thing.¹³ Chandler officially endorsed Gregory, and did what he could to insure his victory. But there was another personality to be reckoned with.

Emerson 'Doc' Beauchamp was undisputed potentate of Logan County, and a man of influence in many other sections of the Commonwealth. An arch foe of Chandler, Beauchamp came by his dislike for the Governor two years before the 1958 campaign. Chandler tried to shrink Beauchamp's influence by having Logan County removed from the Second Congressional District via redistricting. Chandler hoped to dilute Beauchamp by placing his county in the unfamiliar First District. But for his work, all Chandler received from the redistricting was the eternal enmity of Beauchamp and the surprise of his life in the 1958 Primary.

Noble Gregory had been in Congress for twenty-two years, and in ten Primary elections, he was never faced with serious opposition.

¹³L.M.Tipton Reed, interview, Mar. 22, 1974.

(His first two years in Congress came, of course, after a general election victory as a substitute candidate. Thus, he entered only ten primary races during his tenure.) In 1956, for example, he swamped his strongest opponent, Benton attorney Elwood Gordon by 16,000 votes.¹⁴

Gregory had no reason to doubt that 1958 would be any different.

"He was his usual steady self in the House, doing lots of cloakroom work ...he thought the people would stick with him. He did not regard Stubblefield, silent and unknown outside Murray except for the dubious role of railroad commissioner, as a threat."¹⁵ Gregory knew he would be moving up to the chairmanship of the Ways and Means Committee, contingent on the fortunes of his superior, Wilbur Mills. Because of his proximity to this seat of power, Gregory felt the First District would do well to re-elect him. Unfortunately, this reasoning made little sense "to the farmer in Symsonia".¹⁶

Gregory campaign financing and decisions came from Mayfield banker Ed Gardner, a self-made millionaire and power behind the Gregory throne from the beginning of his career. Gregory and Gardner along with another influential Mayfield resident, industrialist Willie Foster apparently agreed an expensive campaign would not be necessary. As it was with past races, the influence of Gardner on bankers in the district would account for the bulk of the electioneering.¹⁷ The ageing bank president would contact people owing him a favor, or owing a favor to Gregory, in hopes of securing that person's support.¹⁸ The method was tried and true. There was little reason to doubt that it would work again. (Although

¹⁴"Gregory is Reelected to House Seat", The Paducah Sun-Democrat, May, 30, 1956, p. 1.

¹⁵Powell, letter.

¹⁶Ibid.

¹⁷Sam Boyd Neeley, interview, February, 1974.

¹⁸Reed interview.

confidence ruled the day in the Gregory camp, Governor Chandler was not willing to leave anything to chance. He dispatched campaign workers to the First District to help with the incumbent's effort.)¹⁹

Gregory spent much of the spring of 1958 in Washington, going about his legislative business and leaving the campaign--such as it was--to Gardner and Foster. But quiet campaign would not be so for long. An energetic effort by Stubblefield would soon arouse the Gregory supporters.

A confident Frank Stubblefield resigned his post on the railroad commission in 1957 to devote full time to the campaign. Just as Gregory had a banker supporting his effort, Stubblefield had Murray banker George Hart behind him. Hart was also mayor of the community, a fact that helped Stubblefield in some political circles. Hart found Stubblefield ambitious, and wanted to help him. He managed the finances, and acted as a unifying force in the loosely organized campaign.²⁰ In addition to the influential banker, Stubblefield had another powerful backer, Logan County's 'Doc' Beauchamp, a long time friend and ally from previous campaigns.²¹

The bulk of the campaigning fell to Stubblefield, who tirelessly crossed and recrossed the district, shaking hands, buying cokes and just talking with potential voters.²² He was, though a virtual unknown in many areas, despite the fact that he had held elective office. And although it was energetic, the campaign was almost invisible. Stubblefield was very low key, and never sought much exposure either in the media or

¹⁹Mrs. George Hart, interview, March, 1974.

²⁰Ibid.

²¹Stubblefield interview.

²²Powell letter.

on the speaker's stand. His campaign was face-to-face, liberally sprinkled with walks down Main Street to shake hands, pass out campaign cards and tack posters to telephone poles.²³ Stubblefield campaigned on the fact that his opponent had been in Congress for nearly a quarter century, saying it was time for a change.²⁴ He also made hay with Chandler's support of Gregory, an effective ploy in an area where Chandler was not popular.²⁵

According to one newspaperman who covered the 1958 race, Stubblefield's style caught on with the voters. Bill Powell, editor of the Paducah Sun-Democrat found the personable approach very effective, and felt a significant number of votes were swayed to Stubblefield simply because he went to the people.²⁶

In 1958, newspaper advertising and handbills accounted for most of the mass appeal type campaigning by both candidates. Neither man was adept at public speaking, so the print medium was the only effective way by which many voters could be reached.

One Gregory broadside reflected the lack of solid issues in the contest, and emphasized personality:

Mr. Stubblefield, we know you have a wife and several children, but who hasn't...we know you were in World War II but who wasn't...we know you recently turned anti-Chandler, but who didn't...Why did western Kentucky lose all its rail passenger service during your tenure on the Railroad Commission?...Congressman Gregory can accomplish more in five minutes than you could in your first term.²⁷

²³Hatcher, Frank Stubblefield, p. ____.

²⁴Stubblefield interview.

²⁵"Tired Frank Stubblefield Wants to Fish Awhile", Paducah Sun-Democrat, May 29, 1958, p.1.

²⁶Powell letter.

²⁷Paid Political Advertisement (Gregory), Paducah Sun-Democrat, May 26, 1958, p. 14.

The advertisement further extolled Gregory's accomplishments in Congress, and noted that he was among the most powerful men in Washington thanks to his position on the Ways and Means Committee.²⁸

Three handbills made up the bulk of Stubblefield's media effort. One flyer made a direct appeal to a particular segment of the electorate:

The farmers of Western (sic) Kentucky have waited in vain for a spokesman in the House of Representatives to help solve farm problems. During the 22 years he has served in Congress, the opponent of Frank Stubblefield has not successfully introduced one single piece of farm legislation.²⁹

A second flyer made no reference to any substantive issues, but gave a family history, and cited the challengers accomplishments and prior public service.³⁰ It is the one to which the Gregory advertisement mentioned above refers.

The third handbill used extensively in the campaign was an ambiguously worded, confusing appeal:

There are only 2 candidates for Congress in this district, Frank Stubblefield, and the others. If you do not wish to continue Noble Gregory in Congress, vote for Frank Stubblefield. If you want to vote against Frank Stubblefield, vote for one of the others³¹

During the final month of the campaign, both the major candidates worked for victory in decidedly different manners. Stubblefield busily canvassed the district, hitting hard at Gregory's lack of accomplishment in the realm of agriculture, and urged a change. He also continued to mention Chandler's endorsement of the incumbent. Meanwhile, Hart and Beauchamp were busy keeping track of details and watching the

²⁸Ibid

²⁹⁻³¹Handbills distributed by or for Stubblefield.

winds closely.

For his part, the complacent Gregory kept up his practice of mailing seeds and brochures to constituents, as well as greeting cards on special occasions. Unlike Stubblefield, Gregory did not campaign in the hustings. Editor Powell noted that Gregory made only one short campaign trip, that to Paducah. He stayed only a few minutes at the McCracken County Courthouse, shook a few hands, and departed without fanfare.³²

Stubblefield's campaign was quietly eroding Gregory support, even in the incumbent's home county. Drawing on his wife's connections (Odessa Boaz Stubblefield was a Graves County native) Stubblefield made headway. The voters he swayed in Gregory's backyard would prove invaluable on election day.

While Gregory was spending little on the campaign, Stubblefield was buying advertising space. Stubblefield spent an estimated \$5,000 on the campaign, much of it coming from loans floated through Hart's bank.³³ The money went for space in various district newspapers, some radio advertising and time on the fledgling television station in Paducah. Travel expenses, campaign materials and other necessities accounted for the bulk of the spending.

But for all the effort, the campaign created little interest. There were no rallies, no debates, no speeches. The campaign was very low key and virtually issueless. Mass appeals to the electorate were minimized, and the only other race district-wide, a contest for a seat on the Court of Appeals, did not create a great deal of interest. When the voters were ready to make their decision, Gregory was confident of victory.

³²Powell letter.

³³Hart interview.

And judging from Stubblefield's reaction upon hearing the election results, he thought Gregory would be victorious.³⁴

Election officials throughout the First District predicted a light turnout on May 27, 1958, except in the home counties of the two major candidates. The forecast of a light turnout was due in part to the heavy workload faced by farmers who were behind in their planting. They were not expected to take time out to vote.³⁵ " 'It's a politicians election...nobody but the politicians and a few of the old regulars seem to be voting', said one poll worker in Hopkinsville."³⁶ The fact that the turnout was low neither surprised nor distressed anyone. Officials in Christian County were distressed about one thing, however. The election would cost the county government about two dollars per ballot cast to conduct.³⁷

When the votes began trickling in on election night, Gregory supporters were amazed. Although the Congressman was winning, he was not getting the mandate to which he had become accustomed. He was barely winning in precincts he usually swamped. For the first time in twenty-two years, Noble Gregory's renomination--and ultimately his reelection--was in doubt.³⁸

The early votes indicated a very light and very close vote. Although he was winning all the counties reporting soonest, Gregory's

³⁴"Tired Frank Stubblefield", p. 1.

³⁵"Light Vote Forecast for District", Paducah Sun-Democrat, May 26, 1958, p.1.

³⁶"Local Voting is Light", The Kentucky New Era(Hopkinsville), May 27, 1958, p. 1.

³⁷"Primary vote to Cost County \$2 per Vote", The Kentucky New Era, May 26, 1958, p. 1.

³⁸Bill Powell, "Frank Albert Stubblefield Unseats Gregory by 432 Votes", Paducah Sun-Democrat, May 28, 1958.

forces realized their candidate was not winning big. And the Stubblefield people were cautiously optimistic.

With only three counties unreported, Gregory held the lead. The Congressman was surprised however by the vote in Calloway County, Stubblefield's home. He received only 646 of nearly 4700 and even though it was his opponent's home, he had not expected to do so poorly there.³⁹ When the Marshall County returns came in next, Gregory lost his lead, and trailed by a small margin. He remained confident, though, expecting the as yet unreported votes of Graves County to offset the voting in Logan County (stronghold of Beauchamp), giving him yet another term in Congress.

Two surprises occurred as the last two counties reported. Graves came in first, and gave Gregory a less than enthusiastic endorsement. Although his Graves County total was less than expected, the returns still gave the incumbent a 1400 vote edge with only one county unreported. Then, the other shoe dropped. Logan County delivered over 2200 votes to Stubblefield, enabling him to catapult into the lead and to apparent victory. This, needless to say, was the second surprise. According to the unofficial returns, Gregory had lost by 432 votes!⁴⁰

Stubblefield attributed his victory to hard work, good friends, and Chandler's endorsement of Gregory.⁴¹ His campaigning in Graves County paid dividends, too, since it helped keep Gregory's majority.

³⁹Ibid.

⁴⁰Ibid.

⁴¹Stubblefield interview.

below the level he needed to insure victory.

Despite Stubblefield's theory, Gregory had a different reason for his loss--fraud. He suspected fraud in the Logan County voting, and his feelings were shared by none other than Governor Chandler himself.⁴²

On the day following the election, Chandler announced that an investigation of the voting in Logan County had been requested of the Federal Bureau of Investigation. He alluded to Beauchamp saying, "Everybody knows they've been stealing elections in Logan County for years!"⁴³ But to the chagrin of Gregory and Chandler, the FBI probe failed to turn up any evidence of fraud during four days of investigation.⁴⁴

While the investigation was in progress, a law suit asking for recounts in three counties was filed by unsuccessful challenger John Pasco. Disappointed by his poor showing (less than one thousand votes), Pasco asked for a check of the votes in Calloway, Marshall and Graves precincts. Two days later, Gregory filed for a recount, and Pasco withdrew his suit.⁴⁵

The original petitions were filed by Gregory's attorneys in Marshall County because Circuit Court was in session there. Judge Earl Osborne did not realize however that the recount petitions were required by statute to be filed in the home county of the election victor, in this case, Stubblefield's Calloway. Once transferred, the original petition was amended to include recounts in Calloway and Logan.⁴⁶

⁴²"Happy says Gregory to ask for Recount", Paducah Sun-Democrat, May 29, 1958, p. 1.

⁴³"FBI Begins Probe of Logan Vote", The Ky. New Era, May 30, 1958, p. 1.

⁴⁴"FBI Takes No Action In Logan Probe", Paducah Sun-Democrat, June 5, 1958, p.1.

⁴⁵"Pasco Asks Recount", Paducah Sun-Democrat, May 29, 1958, p. 1.

⁴⁶Don Pepper, "Law Technicality Delays Ballot Recount", Paducah Sun-Democrat, June 6, 1958, p. 1.

When all seemed ready to begin the recount, another delay befell the proceedings. Stubblefield attorney H.H. Lovett of Benton noted that his client had not been notified of the change from Marshall to Calloway County. Judge Osborne angrily ordered a postponement of one day so Stubblefield could be notified.⁴⁷

(Although it was not known to the participants, history was repeating itself. Gregory's brother, Voris, had been nominated in 1926 on the basis of recounted votes after a very close primary. Ironically, Voris Gregory was represented in court by Seth Boaz, Sr., father-in-law of Frank Stubblefield.)⁴⁸

While the legal wrangling was going on, Noble Gregory was suffering through his second crisis in less than a week. The disappointment of apparently losing the election could not compare with his remorse at the passing of Edward Gardner. Gregory's closest companion died of pneumonia on June 4, leading to speculation that Gregory would drop his protests to administer the banker's huge estate. Gregory was quick to scotch those rumors.⁴⁹

The month of legal maneuvering began with a suit filed by attorneys for Gregory charging fraud in the Logan County voting, and irregularities in certain precincts in Calloway and Marshall. The suit alleged that secondary ballot stubs were not retained in Logan County, a violation of Kentucky Revised Statute (KRS) 118.290 and 188.355.

⁴⁷"Ballot Recount put off Until June 11", Pad. Sun-Democrat, June 8, 1958, p. 1.

⁴⁸"FBI Begins Logan Probe", Kentucky New Era, May 30, 1958, p. 2.

⁴⁹"Gregory Will Not Drop Fight", Pad. Sun-Democrat, June 5, 1958, p. 1.

Failure to retain the stubs "opened the door to chain voting"⁵⁰ detrimental to the plaintiff (Gregory). ('Chain voting' is the casting of a number of ballots by the same individual. The secondary ballot stubs were a check against this activity. The stub was signed by the voter, then detached from the ballot and saved. If there was any question about the voting, the signature on the stub could be compared with that in the comparative signature book. The destruction of the stubs would make vote fraud easier, according to Gregory's suit.⁵¹

Other charges were contained in the petition, too. Gregory alleged that twenty per cent of the voters whose names appeared in the Logan County signature books did not cast a ballot, but votes were cast in their names by someone for the defendant (Stubblefield).⁵² Minor irregularities were cited in Calloway County, but nothing of the scope of those alleged in Logan. The petition concluded with a motion to throw out all the Logan County votes and the votes in precincts one and five in Calloway County, declaring that no election was held there.⁵³

The filing of motions was a sideshow to the actual courtroom proceedings, where Judge Osborne was overseeing the recounting of votes. The court had possession of the ballot boxes from Marshall and Calloway but Logan County officials ignored court orders for two days before finally sending that county's ballots. Gregory's attorneys had the difficult task of proving the ballots had not been tampered with during the period between election night and the day of recounting. The task

⁵⁰ File #683, Gregory, N.J. vs. Frank Stubblefield (42nd Circuit of Kentucky, Calloway County).

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.

appeared impossible when the ballot boxes arrived in a very battered condition, with locks missing, looking very much like someone had beaten them with a blunt object. But judge Osborne was intent on getting the ballots recounted, despite the condition of the boxes.⁵⁴

When the Logan ballots were finally counted, Judge Osborne observed that "obvious forgeries" could be observed. Twenty-six ballots were signed 'W.M. Reed', but the signature on the ballot stubs (originally believed destroyed by Gregory's counsel) did not match that of a 'W.M. Reed' who signed the comparative signature book.⁵⁵

When the recount was complete, Gregory had picked up only ninety-three votes, cutting Stubblefield's victory margin to 341 votes. Upon completion of the recount, Judge Osborne withdrew from the case, citing his heavy work schedule in Marshall Circuit Court as the reason. The Kentucky Court of Appeals assigned a Louisville Circuit Judge, Alex Humphries, to hear the case.⁵⁶

The Stubblefield forces took the offensive on June 15 by filing a counter contest alleging a conspiracy existed between Congressman Gregory, industrialist Willie Foster and Governor Chandler to violate the Corrupt Practices Act and to violate the civil rights of candidate Stubblefield. Specifically, Stubblefield's lawyers said Foster tried to buy 200 votes in Todd County for the sum of \$5,000.00. The Gregory forces were accused of threatening the jobs of state employees in Graves County if they did not deliver ten votes each to the incumbent, another violation

⁵⁴Reed interview.

⁵⁵Don Pepper, "Obvious Forgeries Cited by Osborne", Paducah Sun-Democrat, June 13, 1958, p. 1.

⁵⁶Ibid.

of the Corrupt Practices Act. Foster allegedly induced his own Merit Clothing Company employees to work in the Gregory campaign, still another violation. Stubblefield further charged that an investigation by the Kentucky State Police in Todd County made at the request of Gov. Chandler revealed facts that supported Stubblefield's allegations. These facts were suppressed by Chandler. The Governor allegedly told investigators not to check votes in any county carried by Gregory, and Foster tried to bribe the investigators. In addition to the charges, the counter contest asked for a recount of votes in Graves, Todd, Trigg, Fulton, Crittenden, Caldwell, and Muhlenberg Counties.⁵⁷ Later, the suit was amended to include Graves County school superintendant Charles Deweese as a co-conspirator. Deweese allegedly said " 'Stubblefield is the winner as of now, but between now and Wednesday, we are going to buy it...' ".⁵⁸ Gregory denied all the allegations, and welcomed the recount asked for in the Stubblefield suit. (It was dropped from the suit after the integrity of the ballot boxes could not be insured.)⁵⁹ Gregory's attorney, Tipton Reed, called the charges "a smokescreen".⁶⁰

A brief lull in late June developed in the absence of a trial judge. Osborne had withdrawn, and Humphrey was delayed in Louisville. After the 'Deweese amendment' mentioned above, eight days elapsed before the next move.

Stubblefield attorney Wells Overbey filed a motion to dismiss Gregory's contest on June 30, 1958, and based his motion on a number of

⁵⁷File#683.

⁵⁸"Deweese Named Vote 'Conspirator'", Pad. Sun-Democrat, June 22, 1958, p.

⁵⁹Don Pepper, "Gregory Denies Charges", Pad. Sun-Democrat, June 17, 1958, p. 1.

⁶⁰Reed interview.

assertions. The motion concludes in paragraph III:

...The (Gregory) petition does not state the number of votes cast through fraud in all Logan County precincts, but numbers them in terms of 'more than twenty percent of the persons whose names appear on the signature books of each precinct'. However, the number of signatures appearing in the signature books is not stated, either by precinct or by county total. The names of the persons for whom the votes were cast are not given. The 'someone' who cast the illegal votes is not identified. Nor does the petition give any hint as to how this 'fraud' was accomplished...There is no allegation that appellant ever attempted to secure a court order directing that his representatives be permitted to examine said books, although it is alleged that such books are public records.⁶¹

Overbey also noted in his petition that the statutory limitation for amending recount petitions had already expired. Thus, Gregory's lawyers could not legally amend their original petition to make it more specific. (Despite that fact, Gregory's lawyers would soon seek the right to amend their original motion.)

Coincidentally on the same day Overbey filed the motion to dismiss, Gregory's lawyers received some valuable information they hoped would enable them to amend their suit. Overbey strenuously objected, but Judge Humphrey allowed Reed and his colleagues the opportunity to study the long absent signature books from Logan County.⁶²

On July 2, after the inspection of the signature books, Reed asked the court to allow an amendment to the plaintiffs original motion, in order to make it more specific. Irregularities in the Logan County voting could finally be cited accurately, according to Reed. He argued

⁶¹File #V-96-58, Court of Appeals of Kentucky

⁶²Don Pepper, "Brief Filed in Murray", Paducah Sun-Democrat, June 30, 1958, p. 1.

that his amendment could have come earlier had he not been denied access to the signature books in the first place.⁶³ He pointed out a variety of irregularities. In the Schochoh precinct (Beauchamp's home) 138 votes were calculated, but only 127 names appeared in the voter book. There were forty-four questionable votes elsewhere, because the voters were either not registered or the signatures in the comparative signature book were not the same as those in the registration book. In Russellville's tenth precinct, the plaintiff challenged fifty-nine names.⁶⁴ One person was found to have voted in thirteen different precincts.⁶⁵ Reed asked for relief from the strict fifteen day stipulation governing amendments saying:

If the rules governing a contest are such in a race for Congress we are limited under these narrowly construed statutes to the point that we have to name each and every name of an illegal voter, then there can never under God's heaven be a person who can successfully contest an election, no matter how fraudulent.⁶⁶

Reed's argument did not satisfy Judge Humphrey, who dismissed the Gregory contest on July 7. He thus affirmed Stubblefield's victory. In his opinion, Humphrey explained his ruling:

Counsel for contestant (Gregory) urges that under the instant circumstances the courts should relax the strict interpretation of the statutory limitation of time for amendment. He states that to identify and tabulate illegal voters in the Congressional District ...is an impossibility. I don't deny it is a monumental task. Primary election contests must, however, of necessity

⁶³ _____, "Election Decision May Come Monday", Paducah Sun-Democrat, July 7, 1958, p. 1.

⁶⁴Ibid.

⁶⁵Reed interview.

⁶⁶Pepper, "Election", p. 2.

be disposed of expeditiously...For that reason the rule of immediately pleading all things necessary is strictly construed by the courts...It is my opinion, therefore, that contestant has failed to state a cause of action upon which relief can be granted for the reason that the names of the alleged illegal voters have not been included within the time allowed for pleading, nor have circumstances been pleaded constituting such fraud that the elective effects of the vote in Logan County can not be determined. Contestee's motion to dismiss is sustained.⁶⁷

Although an appearance before the Kentucky Court of Appeals ensued, which, by the way included a rare oral arguments procedure, it was all over for Rep. Gregory. The higher court sustained Judge Humphrey's ruling.

Having failed to find satisfaction in the courts, Gregory took his fight to the House of Representatives.⁶⁸ The House Campaign Investigating Committee began studying the Gregory allegations on November 25, and on December 17 reported finding no grounds for further investigations. It did however, refer the question back to state officials, after discovering that the comparative signature books and ballots from the primary had been burned by Logan County Clerk Bailey Gunn. Unknown to the committee, Gunn was within his statutory instructions. Clerks are required to burn campaign materials within six months after the election provided there is no question about the results. Gunn had waited the prescribed limit before burning the material.⁶⁹

Although he did not suspect any wrong-doing by Stubblefield, Gregory was convinced the election was stolen from him by Doc Beauchamp and

⁶⁷File #V-96-58.

⁶⁸The New York Times, Nov. 26, 1958, p. A-6.

⁶⁹"House Group Rejects Gregory Plea", Paducah Sun-Democrat, December 18, 1958, p. 1.

other Stubblefield supporters. He disregarded the fact that a little more work on his part during the weeks prior to the election might have won the race. His attorney, Reed, was convinced a significant number of improprieties occurred, but, alas, he did not get the opportunity to reveal his findings in court, because of the statute of limitations on amending contests.⁷⁰

But whether it was a legal technicality, poor campaigning on the part of the incumbent, the endorsement of an unpopular governor, the freshness and hard work of an ambitious newcomer or voter fraud that turned the trick, Rep. Noble Gregory was out of a job. He went to his grave thinking fraudulent activity denied him his rightful place in Congress.⁷¹

⁷⁰Reed interview.

⁷¹Powell, letter.

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