

Case of the Month: The Case of the Challenged Candidate - Maddox v. Ferguson, et. al.

Judge Mark Davidson



Governor James Ferguson

What happens when a run for office or an election is disputed in a court of law? Most of us remember, or have read about, the 2000 case of Bush v. Gore, in which the United States Supreme Court ruled who would receive Florida's Electoral College votes and therefore who would become President. The lawsuit was, at the time, called "unprecedented." Buried away in the archives of the Harris County District Clerk's Office is a case in which the 61st District Court decided whether a Texas Governor candidate who was favored to win was eligible to run. In so doing, Texas history was changed.

James Ferguson had been elected Governor of Texas in 1914 and was reelected in 1916. In 1917, he was impeached by the Texas House of Representatives. After a lengthy trial, the Texas Senate found him guilty of nine of the nineteen counts brought against him. They then voted to return the next morning to vote on his punishment – admonishment, removal from office, or a prohibition against holding public office. That evening he resigned, taking the position "You can't fire me, I quit!" The next morning, an irritated Senate voted to remove him from office anyway and to prohibit him from holding office in Texas again.

In 1924, Ferguson announced that he would run for governor again. The Texas Democratic Executive Committee (TDEC) was in charge of regulating the election. Apparently, a majority of its members aligned with Ferguson in opposition to the Ku Klux Klan. However, a minority of the members of the TDEC then brought an action in the Harris County District Courts to enjoin (prohibit) Ferguson's name from being on the ballot.

Case of the Month, Cont.



Governor Miriam "Ma" Ferguson

Ferguson brought many defenses to the lawsuit. He said that his resignation ended the power of the Legislature to remove him from office. He claimed that the Senate had no power to ban him from public office again, since neither the Constitution nor the statutes defining the offense he had been impeached on specified the range of punishments. He also argued that he had not designated his impeachment as something that the Special Session of the Legislature had been authorized to act on. He asserted that it was therefore void.

The minutes of the Court reflect that the hearing lasted only one day and that Judge Walter E. Monteith of the 61st District Court overruled all of Ferguson's arguments and granted the injunction banning his name from appearing on the ballot. Ferguson appealed this ruling to the First Court of Appeals (then located in Galveston) and the Texas Supreme Court to no avail.

The ruling was affirmed and he was not allowed to run. The lawsuit turned out to be a short-lived victory for Ferguson's opponents. The next day, Governor Ferguson's wife, Miriam Amanda "Ma" Ferguson, filed for the office of Governor promising "Two Governors for the Price of One". She obtained twenty percent of the vote in the primary election, but comfortably won the runoff against Felix Robertson, a Dallas Judge supported by the Ku Klux Klan. Upon taking office, she always called her husband "her number one adviser". Texas therefore owes its first woman governor to the decisive action of the judge of the 61st District Court.