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## SENATORIAL CAMPAIGN EXPENDITURES

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FEBRUARY 22, 1929.—Ordered to be printed

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Mr. REED, from the Special Committee Investigating Expenditures in Senatorial Primary and General Elections, submitted the following

### REPORT

[Pursuant to S. Res. 195, 227, 258, and 324, of the Sixty-ninth Congress, and also S. Res. 2 and 10 of the Seventieth Congress, first session]

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#### THE CLAIM OF WILLIAM S. VARE TO A SEAT IN THE UNITED STATES SENATE

On December 9, 1927, the Senate agreed to the following resolution (S. Res. 2, 70th Cong., 1st sess.):

##### RESOLUTION

Whereas on the 17th day of May, 1926, the Senate passed a resolution creating a special committee to investigate and determine the improper use of money to promote the nomination or election of persons to the United States Senate, and the employment of certain other corrupt and unlawful means to secure such nomination or election; and

Whereas said committee, in the discharge of its duties, notified William S. Vare, of Pennsylvania, then a candidate for the United States Senate from that State, of its proceeding, and the said William S. Vare appeared in person and by attorney before said committee while it was engaged in making such investigation; and

Whereas the said committee has reported the evidence which without substantial dispute shows that at the primary election at which the said William S. Vare is alleged to have been nominated as a candidate for the United States Senate, there were numerous and various instances of fraud and corruption in behalf of the candidacy of the said William S. Vare, and that there was spent in behalf of the said William S. Vare in said primary election, by the said William S. Vare and his friends, a sum of money exceeding \$785,000; and

Whereas the said William S. Vare has in no manner controverted the truth of the foregoing facts, although full and complete opportunity was given him, not only to present evidence but arguments in his behalf; and

Whereas the said official report of said committee and the sworn evidence taken by said committee is now and for many months has been on file in the Senate, and all of the said facts appear without substantial dispute; and

Whereas on the 10th day of January, 1927, there was filed in the Senate an official communication from the then Governor of Pennsylvania, made and delivered to the Senate in pursuance of law, the following certificate:

COMMONWEALTH OF PENNSYLVANIA,  
GOVERNOR'S OFFICE,  
Harrisburg, January 8, 1927.

The PRESIDENT OF THE SENATE OF THE UNITED STATES,  
Washington, D. C.

SIR: I have the honor to transmit herewith the returns of the election of United States Senator, held on November 2, 1926, as the law of this Commonwealth directs.

I have the honor also to inform you that I have to-day signed and by registered mail delivered to Honorable William S. Vare a certificate which is as follows:

"To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

"This is to certify that on the face of the returns filed, in the office of the secretary of the Commonwealth of the election held on the 2d day of November, 1926, William S. Vare appears to have been chosen by the qualified electors of the State of Pennsylvania a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 4th day of March, 1927."

The form of words customarily used for such certificates by the governors of this Commonwealth and the form recommended by the Senate of the United States both include certification that the candidate in question has been "duly chosen by the qualified electors" of the Commonwealth.

I can not so certify, because I do not believe that Mr. Vare has been duly chosen. On the contrary, I am convinced, and have repeatedly declared, that his nomination was partly bought and partly stolen, and that frauds committed in his interest have tainted both the primary and the general election. But even if there had been no fraud in the election, a man who was not honestly nominated can not be honestly entitled to a seat.

The stealing of votes for Mr. Vare, and the amount and the sources of the money spent in his behalf, make it clear to me that the election returns do not in fact correctly represent the will of the sovereign voters of Pennsylvania.

Therefore, I have so worded the certificate required by law that I can sign it without distorting the truth.

I have the honor to be, sir,

Very respectfully yours,

GIFFORD PINCHOT, *Governor.*

Now, therefore be it

*Resolved*, That the expenditure of such a large sum of money to secure the nomination of the said William S. Vare as a candidate for the United States Senate prima facie is contrary to sound public policy, harmful to the dignity and honor of the Senate, dangerous to the perpetuity of a free government, and, together with the charges of corruption and fraud made in the report of said committee, and substantiated by the evidence taken by said committee, and the charges of corruption and fraud officially made by the Governor of Pennsylvania, prima facie taints with fraud and corruption the credentials of the said William S. Vare for a seat in the United States Senate; and be it further

*Resolved*, That the claim of the said William S. Vare to a seat in the United States Senate is hereby referred to the said special committee of the Senate, with instructions to grant such further hearing to the said William S. Vare and to take such further evidence on its own motion as shall be proper in the premises, and to report to the Senate within sixty days if practicable; and that until the coming in of the report of said committee and until the final action of the Senate thereon the said William S. Vare be, and he is hereby, denied a seat in the United States Senate: *Provided*, That the said William S. Vare shall be accorded the privileges of the floor of the Senate for the purpose of being heard touching his right to receive the oath of office and to membership in the Senate.

In pursuance of said resolution your committee met to consider the steps to be taken. It decided that, having held extensive hearings and reported fully its findings to the Senate concerning the primary election held in Pennsylvania in 1926 (Rept. 1197, pt. 2, 69th Cong.), a further investigation into the primary was unne-

essary. For the convenience of the Senate said report is hereto appended in condensed form and referred to as Annex A. However, the general election remained for investigation and in connection with the scope of that investigation certain circumstances should be recalled in order that the method of procedure forced upon the committee because of these circumstances, may be understood.

During the previous Congress, on the 11th day of January, 1927, the Senate had agreed to the following resolution:

[S. Res. 324, Sixty-ninth Congress, second session]

Whereas William B. Wilson, of the State of Pennsylvania, has presented his petition to the Senate of the United States contesting the election of William S. Vare as a Senator from Pennsylvania in the election held on the 2d day of November, 1926; and

Whereas the said William B. Wilson charges in his petition fraudulent and unlawful practices in connection with the nomination and in connection with the alleged election of the said Vare as Senator from the State of Pennsylvania, and that unless preserved for the use of the Senate certain evidence relating to said charges and said election will be lost or destroyed; and

Whereas the special committee of five organized under Senate Resolution Numbered 195, Sixty-ninth Congress, first session, by direction of the Senate has entered upon an investigation pertaining to alleged corrupt practices in the election held November 2, 1926, and in the primary preceding it in the State of Pennsylvania: Therefore be it

*Resolved*, That the special committee of five constituted under Senate Resolution Numbered 195, Sixty-ninth Congress, first session, in addition to and not in detraction from the powers conferred in said resolution, be, and it is hereby, authorized and empowered:

(1) To take possession, in the presence of the said William S. Vare or his representative if the said William S. Vare desires to be present or to have a representative present, and preserve all ballot boxes and other containers of ballots, ballots, return sheets, voters' check lists, tally sheets, registration lists, and other records, books, and documents used in said senatorial election held in the State of Pennsylvania on the 2d day of November, 1926.

(2) To take and preserve all evidence as to the various matters alleged in said petition, including any alleged fraud, irregularity, unlawful expenditure of money, and intimidation of voters or other acts or facts affecting the result of said election.

(3) That said committee is hereby vested with all powers of procedure with respect to the subject matter of this resolution that said committee possesses under Resolution Numbered 195, Sixty-ninth Congress, first session, with respect to the subject matter of that resolution.

(4) That the Sergeant at Arms of the Senate and his deputies are directed to attend the said special committee and to execute its directions. That the said special committee may appoint subcommittees of one or more members with power and authority to act for the full committee in taking possession of evidence and in the subpoenaing of witnesses and taking testimony.

*Resolved further*, That the expenses incurred in carrying out this resolution shall be paid from the contingent fund of the Senate upon vouchers ordered by the committee or any subcommittee thereof and approved by the chairman of the committee, the cost of same not to exceed \$15,000 in addition to the moneys heretofore authorized to be expended.

Your committee thereupon promptly caused to be collected and brought to Washington the ballots, lists, registers, records, and paraphernalia of the 1926 Pennsylvania general election for the counties of Philadelphia and Allegheny, through the agency of the Sergeant at Arms of the Senate. The work of transporting these bulky records necessarily consumed time and, as the Sixty-ninth Congress was about to expire, it became evident that the records of the other counties of the State could not be brought to Washington before March 4, 1927.

There were rumors that in its effort to obtain court orders for the surrender of ballots and records in some counties, the committee would experience delay or embarrassment during the interim between the close of the Sixty-ninth Congress and the convening of the Seventieth Congress.

Although no doubt existed in the minds of the members of the committee that they had full power to act during such interim, the committee decided that it would be prudent to obtain from the Senate a declaratory resolution that would prevent any challenge of the committee's authority and accordingly caused to be introduced by the chairman the following resolution, as finally modified:

[S. Res. No. 364, Sixty-ninth Congress, second session]

*Resolved*, That Senate Resolutions Numbered 195, 227, and 258 of the Sixty-ninth Congress, first session, and Senate Resolution Numbered 324 of the Sixty-ninth Congress, second session, be, and they hereby are, continued in force during the interim between the Sixty-ninth Congress and the Seventieth Congress and thereafter until the 30th day of December, 1927.

That the special committee created pursuant to Senate Resolution Numbered 195 of the Sixty-ninth Congress, first session, is authorized in its discretion, and/or at the request of either William S. Vare or William B. Wilson, to open any or all ballot boxes and examine and tabulate any or all ballots and scrutinize all books, papers, and documents which are now in its possession, or any that shall come into its possession, concerning the general election held in the State of Pennsylvania on the 2d day of November, 1926.

On February 24, 1927, when the resolution was called up for consideration under the rules, it was apparent that a filibuster had been organized to delay and prevent action by the Senate. This filibuster succeeded in its purpose and the said declaratory resolution was not acted upon by the Senate.

The next hindrances encountered by the committee were the denial of the use of its funds by the Committee to Audit and Control the Contingent Expenses of the Senate and the refusal of the Sergeant at Arms to carry out proper orders. The Senate was no longer in session and the committee had to proceed as best it could.

Accordingly, a special agent was appointed and instructed to go to Pennsylvania and apply for the election records of the various counties. In the first county applied to, the committee's authority was resisted as had been expected.

Thereupon the committee applied to the only remaining agency, the Federal courts, to enforce its authority. The suit which resulted was not brought to final adjudication until the next year when, as will be seen later in this report, practically all of the election records sought were in the custody of the Senate. Nothing more could be done by the committee as such. However, the necessity of obtaining the official election records was so great that the chairman of the committee decided to appeal to the parites to the contest, Messrs. Vare and Wilson, and to the members of the Senate Committee on Privileges and Elections, as well as to his own committee, to meet and work out a method whereby the ballots and election records of the various counties might be impounded and held until the next session of the Senate.

Accordingly, on the 7th day of September, 1927, there met at the Congress Hotel at Chicago, Ill., James A. Reed and Robert M. La Follette, acting for the said special committee; Charles S. Deneen, M. M. Neely, Walter F. George, and T. H. Caraway, representing the

