

IN THE SENATE OF THE UNITED STATES.

JUNE 15, 1878.—Ordered to be printed.

Mr. WADLEIGH, from the Committee on Privileges and Elections, submitted the following

R E P O R T :

The Committee on Privileges and Elections, to whom was referred the resolution of the Senate authorizing said committee to investigate and report upon charges that the election of La Fayette Grover, as a Senator from the State of Oregon, was procured by bribery, corruption, and other unlawful means, report that, in their opinion, the evidence taken does not sustain any of said charges against him.

Your committee therefore ask to be discharged from the further consideration of said resolution, and that any members of said committee have leave to present to the Senate, at the present session or the next session, their views in writing upon said testimony.

Mr. SAULSBURY, a member of the subcommittee on Privileges and Elections appointed to take testimony in reference to the election of Hon. L. F. Grover as Senator, concurring in the foregoing conclusion of the committee, submits more at length his own views.

At the special session of the Senate in March, 1877, the following resolution, offered by Senator Grover, was adopted, referring to the Committee on Privileges and Elections certain memorials which had been presented to the Senate, and requiring said committee to investigate the allegations therein contained. The resolution is in the following words:

Resolved, That the thirteen memorials heretofore presented to the Senate by Hon. J. H. Mitchell, purporting to be signed by 369 citizens of the State of Oregon, reciting that it was currently reported and generally believed that the election of L. F. Grover as a Senator of the United States was procured by bribery, corruption, and other unlawful means in the legislature of the State of Oregon, and that the said L. F. Grover did corruptly and fraudulently issue a certificate of election to one E. A. Cronin as a Presidential elector, on December 6, 1876, and that the said L. F. Grover did bear false witness before the Senate Committee on Privileges and Elections, on or about January 6, 1877, be now referred to the Committee on Privileges and Elections, who shall thoroughly investigate and report upon the foregoing charges, with power to send for persons and papers.

The following is a copy of the memorials referred to in the foregoing resolution:

To the Senate of the United States :

Whereas it is currently reported, and generally believed, that L. F. Grover, by bribery, the corrupt use of money, and other unlawful and dishonorable means, procured

his election to the Senate of the United States by the legislature of the State of Oregon at its last session ;

And whereas the said L. F. Grover, in obedience to a corrupt scheme to defraud the State of Oregon of its proper electoral vote, as the governor thereof did unlawfully, dishonestly, corruptly, and by acts of usurpation, declare elected to the office of Presidential elector for the State of Oregon, on the 6th day of December, 1876, and did issue a certificate of election to one E. A. Cronin, who had been defeated by the people for said office by more than one thousand majority ;

And whereas the said L. F. Grover did fraudulently undertake to sustain his said act by falsely testifying, as a witness concerning the same, before the Senate Committee on Privileges and Elections on or about the 6th day of January, 1877 :

Now, therefore, we, the undersigned citizens of the State of Oregon, earnestly but respectfully ask that the said L. F. Grover be denied a seat in the United States Senate as a Senator from the State of Oregon until the foregoing charges are thoroughly investigated and disproved.

M. L. WILMOT and others.

Subsequently, during the same session, a resolution was adopted by the Senate, instructing the Committee on Privileges and Elections to appoint a subcommittee from its members to take testimony relating to the matters referred to in the said memorials, and report the testimony taken to the full committee on the first Monday of the present session.

The following is the resolution last referred to :

That the Committee on Privileges and Elections, to which was referred a resolution of the Senate relating to the election of La Fayette Grover as Senator from the State of Oregon, be, and the said committee is, instructed to appoint from its members a subcommittee of three, who shall take testimony relating to the matters referred to in said resolution, and report to the full committee on the first Monday in December next ; and for such purpose such subcommittee shall have power to sit in vacation, and, if they deem expedient, go to the State of Oregon ; and such subcommittee shall have power to employ a clerk, stenographer, and sergeant-at-arms, and shall have all the powers of the general committee to administer oaths and send for persons and papers ; and the expenses of such subcommittee, not exceeding \$10,000, shall be paid out of the contingent fund of the Senate upon vouchers to be presented by the chairman of such committee.

In obedience to said resolution, a subcommittee, consisting of the late Senator Morton, Senator McMillan, and the undersigned, was appointed, who proceeded to Portland, in the State of Oregon, and examined a large number of witnesses, whose testimony has already been printed by order of the Senate.

The undersigned, as a member of the subcommittee charged with the duty of making the investigations required by the first-mentioned resolution, begs leave respectfully to submit his own conclusions from the evidence taken.

An examination of the testimony will show that the widest latitude was given to the investigation by the subcommittee. Witnesses were not restricted to matters within their own knowledge, but were allowed to testify as to their beliefs and suspicions, unsupported by any facts, and to narrate hearsay evidence of no higher character than the fugitive rumors which are not unfrequently current on the streets of a State capital preceding the election of a United States Senator.

It may be at times impossible for a legislative committee to apply to an investigation with which it is charged the rules which govern the admissibility of evidence in courts of justice, but the undersigned must be allowed to express his conviction that in an investigation into the truth of allegations affecting the personal honor of a member of the Senate, as well as his right to a seat in the body, no such wide departure should be allowed in the admission of testimony as the evidence in this case will show was permitted. While Senator Grover can have no cause to regret the latitude that was given to the inquiry into matters alleged against him or the regularity of his election, by reason of any-

thing elicited against him or those to whom he owes his election to the Senate, it ought not to be allowed to become a precedent to govern similar investigations in the future.

The undersigned objected at the very commencement of the investigation to the latitude in the examination of witnesses which is usually allowed in investigations by legislative committees, and insisted on an observance, as far as possible, of the rules which obtain in courts of justice in that regard. Had his suggestion been adopted in practice, the testimony in this case would have been compressed into a very narrow compass, and would have excluded a large mass of irrelevant testimony taken by the subcommittee. The undersigned begs leave to refer to the objections which he made on this point, found at pages 9, 10, and 11 of the printed testimony.

Without reviewing in detail the testimony taken by the subcommittee, the undersigned has no hesitation in saying that, so far from justifying the insinuations contained in the memorials presented to the Senate and referred to the Committee on Privileges and Elections, it completely vindicates Senator Grover from the aspersions attempted to be cast upon him, and establishes beyond question the regularity and fairness of his election as a Senator.

The testimony shows that the two houses of the Oregon legislature voted separately for Senator on the day fixed by the act of Congress, and met in joint convention and voted for Senator daily thereafter until Senator Grover received the votes of a majority of all the members of the legislature. In the vote taken in the two houses separately, and in every vote in the joint convention, he received a larger number of votes than any other candidate.

The testimony will further show that Senator Grover, in the final caucus of the Democratic members of the legislature, received the caucus nomination, and was thereafter the only recognized candidate of his party for the position, and as such received ultimately the vote of every democratic member of the legislature.

The testimony further shows that during the contest for Senator, Governor Grover repeatedly assured his personal and political friends that he did not desire and would not have an election that was not honorable to himself and his party, and offered to withdraw from the contest if the Democratic members could agree upon any other candidate.

In the opinion of the undersigned, no member of the Senate is freer from suspicion of having procured his election to the body by improper means than Senator Grover, while none perhaps has been subjected to more unjust and slanderous accusations, or could have vindicated his character more completely against the assaults of personal and political foes.

The only witness who directly or indirectly sought to connect Senator Grover with bribery, or who in fact professed to know anything about the corruption of any member of the legislature, was a man by the name of Styles. This witness, who had made an affidavit to be sent to Washington to be used to prevent Governor Grover from taking his seat in the Senate, testified before the committee to a conversation between Governor Grover, Mr. Gilfry, and William H. Watkins in reference to the purchase of the vote of a member of the legislature by the name of Goodman, and also to a conversation which he had with Goodman, and also to seeing another member, by the name of Mosier, come out of the room of Governor Grover, into the room of Mr. Gilfry, with several hundred dollars in gold in his hands. In reference to the first statement, he was contradicted by Goodman, Gilfry, and Watkins, and in refer-

ence to the second by Gilfry and Mosier. See testimony of Mr. Goodman, page 445, from which the following extract is taken :

(The Senator here called the attention of the witness to certain passages in the testimony of Mr. Styles, as printed in a newspaper which he held in his hand.)

Q. Did Governor Grover ever make any promise to you of any office whatever in case he was elected?—A. Never.

Q. Did he approach you on the subject of voting for him?—A. I had a talk with Governor Grover, but he did not mention concerning my voting for him.

Q. He said nothing in that conversation in the way of inducements; he held out no inducements for you to vote for him?—A. He did not offer me any inducements whatever; in the talk with him he asked me if I was not afraid that I was injuring the prospects of the Democratic party in this State by holding out as I did against the caucus, but he never during that conversation asked me to vote for him.

Q. Did you state to this man Styles at any time that you could get a thousand dollars for your vote?—A. I never did. I consider that that gentleman has done me and Governor Grover a great injustice, and he stands before the people of Oregon to-day a perjured villain.

Q. No person in your county, as I understand, believes any such allegation against you.

Senator McMILLAN. Senator, that is taking a pretty wide range, it seems to me.

Senator SAULSBURY. No, sir; this gentleman is a man of character, and I take it that he has a right to say before this committee what he knows as to what his neighbors think of this thing.

The WITNESS. No, sir; nobody believes it.

Q. Are you regarded in your community as a corrupt man?—A. I think not; I hope not, at least.

Q. Do you believe there are any Republicans in that county that would charge it upon you?—A. I don't believe there are.

Q. Now I will ask you this question, Mr. Goodman: Did you ever, directly or indirectly, receive one dollar for your vote for Governor Grover for the Senate?—A. No, sir, never; not one dollar. No man ever approached me upon that subject, either of the Grover faction or the Nesmith faction.

Q. Were you, directly or indirectly, influenced by any pecuniary consideration or reward, in any shape, manner, or form, or by promises of office or money, directly or indirectly, in connection with your vote for Governor Grover for the Senate?—A. There was no influence brought to bear upon me whatever.

See also the testimony of Mr. Watkins, page 589, &c.

See also testimony of J. H. Mosier, page 412, from which the following extract is taken :

Q. Do you know a man by the name of W. H. N. Styles, who has testified before the committee?—A. I never saw the man that I know of. That is him right over there, I believe (turning to the left and pointing to a row of by-standers). No, I am mistaken, I beg your pardon; that is a better-looking man than he was. I will take it all back. He was sitting right over there (pointing) a few moments ago.

Q. You say you never saw the man that you know of—never saw him till now?—A. I never saw him till yesterday. I never saw him in my life, that I know of, till I came here.

Q. That man in his testimony swears as follows :

“Q. Did you see Mosier at any time after the election?—A. I did.

“Q. Where did you see him?—A. I was introduced to him in Mr. Gilfry's office.”

Q. Now, I ask you, Mr. Mosier, if it is true that you were introduced to Mr. Styles in Mr. Gilfry's office, as he swears?—A. I never was; I never was introduced to any man by that name.

Q. He says, in his testimony, as follows :

“Q. When was that?—A. One or two days after the election, I sat down there waiting for Mr. Gilfry to come in. As I sat there, perhaps fifteen minutes, I guess, some gentleman came in. I supposed Mr. Gilfry was in the other room. I heard some one talking in there, but I did not go in. I sat down there. The gentleman came in who was in the other room, that is, in the governor's room. I may have sat there fifteen or twenty minutes, and Mr. Mosier came in from the governor's room.”

Q. I ask you now, Mr. Mosier, if that assertion in this testimony is true?—A. It is not, sir. I never was in the governor's private room in my life, to my knowledge.

Q. You say here, upon your honor and upon your oath, that that is not true?—A. I never was in Governor Grover's private room in my life.

Q. The testimony of Mr. Styles goes on :

“Q. Mr. Mosier came in from the governor's room?—A. Yes, sir.

“Q. Through the door in the partition?—A. Yes, sir. He came into the room where I was, and had money in his hand.”

