
ELECTION OF HON. M. A. HANNA.

FEBRUARY 28, 1899.—Ordered to lie on the table and be printed.

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

REPORT

ON THE CHARGES OF BRIBERY IN THE ELECTION OF HON. M. A. HANNA TO THE SENATE OF THE UNITED STATES.

The Committee on Privileges and Elections, to which was referred the certified copy of the report of the committee appointed by the senate of Ohio, to investigate the charges of bribery in the election of Hon. Marcus A. Hanna to the Senate of the United States, having considered the same, report back to the Senate said certified copy, and further report as follows:

This certified copy of the report of the senate of Ohio, being a typewritten document, was presented to the United States Senate by the Vice-President on May 28, 1898, having been received by him through the mails, and was referred to the Committee on Privileges and Elections on motion of the Senator from Colorado (Mr. Teller), but no order for printing was made. It has, however, been put in type for the use of the committee. The contents of the certified copy are the "Report of the committee appointed by the senate of Ohio," including the testimony, of which 500 copies were printed by the Ohio senate, and the report further ordered to be printed in the appendix of the State Senate Journal. The closing paragraph of the report, signed by the chairman and three members, recommends its adoption by the State senate, and that a copy thereof with the testimony "be transmitted to the president of the Senate of the United States, of which Senator Hanna is a member, for such action as it may deem advisable." The clerk of the State senate in certifying on May 26, 1898, that the papers transmitted were a true and correct copy of the report of the committee, adds as to the report the words "and adopted by the Ohio senate."

From the above statement it will be seen that no direct remonstrance, memorial, or protest setting out that Mr. Hanna was not elected Senator or that he ought to be expelled, coming from parties asserting readiness to prosecute their charges, has been presented to the Senate. Nor has the reception on May 28, 1898, of the certified copy of the State senate report been followed up by any appearance before this committee of any prosecuting parties or by the submission to the committee of any additional papers from any source. Nevertheless, the committee have

given an examination to the report of the Ohio State senate committee, the points of the same, concisely stated, being as follows:

The specific charge is what the committee call "four main facts" stated in language as follows:

The evidence taken by your committee, in its judgment, proves four main facts:

1. That on or about January 9, 1898, an attempt was made to bribe John C. Otis, a member of the house of representatives of the present general assembly of the State of Ohio to vote for Marcus A. Hanna for United States Senator.
2. That Henry H. Boyce was the principal offender in the commission of that crime.
3. That Maj. E. G. Rathbone and Maj. Charles F. Dick were agents of Marcus A. Hanna, and procured, aided, and abetted Henry H. Boyce to commit that crime.
4. That H. H. Hollenbeck aided said Henry H. Boyce in committing that crime.

Although there is no evidence that Mr. Hanna had knowledge of the alleged attempt to bribe Mr. Otis, the State senate committee argue that the proven relations of the above parties to Mr. Hanna are persuasive to the conclusion that he knew and sanctioned what they did.

The only other point made by the State senate committee is that Hollenbeck and Boyce evaded the jurisdiction of the committee and that Messrs. Rathbone and Dick, and Mr. Hanna himself, omitted to appear in response to subpoenas and invitations sent to them by registered mail.

The above report of the State senate committee appears to have been adopted by the Ohio State senate on April 23, 1898, by a vote of 19 yeas to 17 nays. Senator James R. Garfield made a minority report dated April 23, 1898, a copy of which is herewith submitted, in which he reviews the evidence and declares his belief that the conclusions of the majority report are "contrary to the facts presented." He further argues that the Otis case was the outcome of "a scheme carefully prepared and executed by the opponents of Mr. Hanna to secure his defeat by making this charge of bribery during the last days of the Senatorial contest."

The report of the State senate committee does not show the proceedings of the Ohio legislature when Mr. Hanna was elected Senator, but the record of the ballotings is as follows:

The votes of Tuesday, January 11, 1898, were, in the house: Mr. Hanna 56, all others 53; in the senate: Mr. Hanna 17, all others 19; being 73 for Mr. Hanna and 72 for all others.

On Wednesday, January 12, the joint balloting resulted as follows: Mr. Hanna 73, all others 71; and Mr. Hanna was declared elected.

Mr. John C. Otis did not vote for Mr. Hanna, but on both days voted for Robert E. McKisson, and his vote is included in the 72 and 71 opposition votes above given.

There is no proof submitted either (1) that Mr. Hanna was elected Senator through bribery, or (2) that he had any agents engaged in carrying on his canvass for the Senate who were directly or impliedly authorized by him to resort to corrupt methods or to any form of wrongdoing, or (3) that he had any personal knowledge of the facts of the Otis case. It may be said that there is no evidence which fairly tends to prove either of the foregoing three propositions.

Upon the view of the case thus briefly stated, the Committee on Privileges and Elections has reached the conclusion that the United States Senate is not called upon to take any action in the premises. The utmost fact which the committee of the State senate claim to have proved is that an attempt was made to bribe Mr. Otis, which failed. Without further facts than this the validity of Mr. Hanna's election will stand unimpeached, and the Senate is not called upon to search for further facts in the absence of any specification of such facts or of

any distinct suggestion where they may be found, the whole demand of the State senate report that Mr. Hanna be expelled from the United States Senate being rested upon the Otis case.

Whether, even if this unsuccessful attempt at bribery in the case of Representative Otis were fastened upon the representatives of Senator Hanna by undoubted proof, the Senate would be called upon to take any action is not by any means clear. Certainly without strong evidence that Senator Hanna himself had knowledge of the transaction the Senate would hardly be justified in doing more than expose the facts for condemnation by public opinion; and the exposure of such facts as the State senate say were proved has already been accomplished by the State senate report, while there is no direct evidence, and substantially no presumptive evidence, that Senator Hanna had any knowledge of what was going on.

Moreover, it seems clear to this committee that it would not be justified in recommending any action whatever to be taken by the Senate without further testimony to be taken by the committee. The question whether additional evidence should be taken has been the only difficult question which the committee has considered. It is clear that Mr. Otis never had any intention of yielding to bribery. He encouraged Mr. Boyce, by the advice of others, only in order to entrap him. Then he carefully withdrew and substituted his attorney, Mr. Campbell, to continue the negotiations. Mr. Campbell labored to induce Mr. Boyce to offer money, and finally, as he says, obtained \$1,750 from him as part payment on \$3,500 to be paid for Mr. Otis's vote for Mr. Hanna, leaving \$6,500 to be paid if Mr. Hanna was elected. At this point public exposure through Mr. Otis, Mr. Campbell, and their associates took place. Mr. Boyce disappeared and the incident was closed.

That Mr. Boyce, operating at Cincinnati, where Mr. Otis lived, had relations with Mr. Hanna's representatives at Columbus, the State capital, the State senate committee undertook to prove by the evidence of various detectives, professional and amateur, who listened at telephone wires and shadowed Mr. Boyce, Mr. Hollenbeck, and others. The effort of the committee was carefully and skillfully made. It was not wholly devoid of results. It raises suspicions that Mr. Hanna's representatives at Columbus knew what Mr. Boyce was doing. But this whole line of inquiry would require verification by testimony to be taken by the Committee on Privileges and Elections before that committee would be willing to found conclusions thereon.

In reaching the opinion that the Senate is not called upon to take further testimony the committee are not unmindful of the fact that many witnesses refused to testify when they appeared before the State senate committee, and that Mr. Hanna and his representatives had subpoenas sent to them by mail and did not respond. Mr. Garfield in his minority report states the alleged reasons why Mr. Hanna did not appear, namely, that a fair and impartial hearing was impossible because of the known hostility of the chairman of the committee, and because the committee at its first meeting decided to refuse to allow any person whose name was connected with the investigation "to appear in person and be represented by counsel."

The reasons why the Committee on Privileges and Elections do not decide to ask for power to take testimony may be restated as follows:

I.

The belief heretofore suggested, that even if the unsuccessful attempt at bribery into which Messrs. Otis and Campbell led Mr. Boyce were to be proved as alleged by the State senate committee, the United

States Senate would not feel called upon to do more than has already been done by the State senate, namely, expose the transaction to public view. To go over again the whole ground covered by the State senate merely for the purpose of such additional exposure would be tedious, expensive, and unnecessary.

II.

The fact that no case of bribery beyond the Otis case and no further specific corrupt acts are alleged or suggested. The beginning and the end of the State senate report is the Otis case.

III.

The fact that there has been no demand for the prosecution of the inquiry coming from the State of Ohio, except by the transmission by the chief clerk of the Ohio State senate of the senate report, as hereinbefore stated, to the United States Senate for "such action as it may deem advisable." This was received by the Senate on May 28, 1898, and referred to this committee, and from that time to this, as hereinbefore stated, no further interest has apparently been taken in the subject by any resident of the State of Ohio.

The committee do not doubt that if facts appeared from the report of the committee of the State senate requiring the United States Senate, out of a proper regard for its own reputation, to take further testimony concerning Mr. Hanna's election it would be the duty of the Senate to proceed without waiting for further prosecution of the case coming from residents of the State of Ohio. But, taking the case as it stands and noting the absence of such prosecution, the conclusion of the committee is not to ask the Senate for authority and direction to take further testimony, but to ask to be discharged from the further consideration of the report of the State senate of Ohio.

Mr. TURLEY, from the minority of the Committee on Privileges and Elections, submitted the following

VIEWS

IN THE MATTER OF THE REPORT OF THE COMMITTEE APPOINTED BY THE SENATE OF THE STATE OF OHIO TO INVESTIGATE THE CHARGES OF BRIBERY IN THE ELECTION OF HON. M. A. HANNA TO THE SENATE OF THE UNITED STATES.

We can not concur in the report of the majority of the Committee on Privileges and Elections in the matter of the report of the committee appointed by the senate of the State of Ohio to investigate the charges of bribery in the election of Hon. M. A. Hanna to the Senate of the United States.

The charge is that early in January, 1898, an attempt was made by H. H. Boyce and others to bribe John C. Otis, a member of the house of representatives of the general assembly of the State of Ohio, to vote for Marcus A. Hanna for the Senate of the United States.

Among other things, the majority of the committee say:

Moreover, it seems clear to this committee that it would not be justified in recommending any action to be taken by the Senate without further testimony to be taken by the committee. The question whether additional evidence should be taken has been the only difficult question which the committee has considered. It is clear that Mr. Otis never had any intention of yielding to bribery. He encouraged Mr. Boyce by the advice of others only in order to entrap him. Then he carefully withdrew and substituted his attorney, Mr. Campbell, to continue the negotiations. Mr. Campbell labored to induce Mr. Boyce to offer money, and finally, as he says, obtained \$1,750 from him as part payment on \$3,500 to be paid for Mr. Otis's vote for Mr. Hanna, leaving \$6,500 to be paid if Mr. Hanna was elected. At this point public exposure, through Mr. Otis, Mr. Campbell, and their associates, took place. Mr. Boyce disappeared, and the incident was closed.

That Mr. Boyce, operating in Cincinnati, where Mr. Otis lives, had relations with Mr. Hanna's representatives at Columbus, the State capital, the State senate committee undertook to prove by the evidence of various detectives, professional and amateur, who listened at telephone wires and shadowed Mr. Boyce, Mr. Hollenbeck, and others. The effort of the committee was carefully and skillfully made. It was not wholly devoid of results; it raises pregnant suspicions that Mr. Hanna's representatives at Columbus knew what Mr. Boyce was doing. But this whole line of inquiry would require verification by testimony to be taken by the Committee on Privileges and Elections before that committee would be willing to found conclusions thereon.

The attempt on the part of Boyce to buy Otis's vote for Mr. Hanna is clearly proven by Campbell, who, from his testimony, seems to have been a lawyer of large practice. One thousand seven hundred and fifty dollars was paid in cash by Boyce to Campbell as attorney for Otis. Boyce agreed to pay \$1,750 more when Otis reached Columbus and a balance of \$6,500 if Mr. Hanna was elected.

