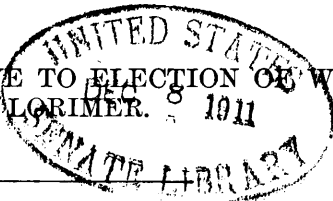


CHARGES RELATIVE TO ELECTION OF WILLIAM



DECEMBER 21, 1910.—Ordered to be printed.

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

REPORT.

[To accompany S. Res. No. 247.]

The Committee on Privileges and Elections, to whom was referred certain charges relating to the election of William Lorimer, a Senator from the State of Illinois, by the legislature of that State, have had the same under consideration, and submit the following report:

On the 7th day of June, 1910, there was referred to the Committee on Privileges and Elections a memorial signed by one Clifford W. Barnes, as president of the Legislative Voters' League, of Chicago, Ill., alleging in substance that the election of William Lorimer, a Senator from the State of Illinois, was secured by bribery. These charges are set forth at length in the proceedings of the Senate for June 7, 1910.

On the 20th day of June, 1910, the Senate adopted a resolution authorizing and directing said committee, or any subcommittee thereof, to investigate said charges. In pursuance of the authority conferred and direction given by the Senate in said resolution, a subcommittee was appointed, consisting of Mr. Burrows, chairman, Mr. Gamble, Mr. Heyburn, Mr. Bulkeley, Mr. Frazier, Mr. Paynter, and Mr. Johnston.

It was thought by the subcommittee to be advisable to make this investigation at the city of Chicago, in the State of Illinois. Accordingly the subcommittee met in that city on the 20th of September, 1910, and proceeded to execute the order of the Senate.

A large number of witnesses were examined and all the available information which, in the judgment of the subcommittee would be of any value in the investigation, was obtained and considered.

It appears from the evidence that Mr. Lorimer was elected a Senator from the State of Illinois on the 26th day of May, 1909, by a joint assembly of the two houses of the General Assembly of the State of

Illinois, receiving 108 votes out of 202 that were cast for the several candidates for that office, as follows:

Albert J. Hopkins.....	70
William Lorimer.....	108
Lawrence B. Stringer.....	24

VOTES REQUIRED TO ELECT.

The question is raised by counsel whether the language of the statute regulating the election of United States Senators requires that in order to elect a Senator the person elected must receive a majority of the votes of all the members elected to each house of the legislature, or whether it is sufficient if one person receives a majority of all the votes cast in the joint assembly, "a majority of all the members elected to both houses being present and voting." This question seems to have been decided by the Senate in the case of Lapham and Miller (Senate Election Cases, 697). In that case it was held that a majority of a quorum of each house is sufficient to elect, and in that decision the committee concur.

BRIBERY.

In a number of cases that have been before the Senate of the United States it has been held that to invalidate the election of a Senator on account of bribery it must be made to appear either—

- (1) That the person elected participated in one or more acts of bribery or attempted bribery, or sanctioned or encouraged the same; or
- (2) That by bribery or corrupt practices enough votes were obtained for him to change the result of the election.

At what was practically the outset of the investigation, counsel for the Chicago Tribune (who conducted the inquiry against Senator Lorimer) announced that he did not expect to connect Senator Lorimer with any acts of bribery, and upon this point the following took place (Record, p. 66):

Senator HEYBURN. I would suggest it might be well for you here to state what you expect to prove, in order that we may apply the law as to such proof.

Mr. AUSTRIAN. I expect to prove—

Senator BULKELEY. Do you expect to connect Mr. Lorimer with this?

Mr. AUSTRIAN. No, sir; not in that way at all.

Judge HANEY. That is, you do not intend to connect Senator Lorimer?

Mr. AUSTRIAN. I personally do not intend to connect Senator Lorimer. The statement made here by the witnesses that they had some talk with Mr. Lorimer, the committee will please understand, of course, these witnesses, I have never talked with—never talked with but two of the witnesses who will be called upon the witness stand.

Judge HANEY. You do not claim that any witness will say that he ever talked with Senator Lorimer about money?

Mr. AUSTRIAN. I know of no one.

Judge HANEY. You say, in that connection, you said that they would show that they had some conversation with Senator Lorimer?

Mr. AUSTRIAN. Oh, they had, but what that conversation was I do not know.

Judge HANEY. But not in relation to the payment of money or any corrupt practice, you do not mean?

Mr. AUSTRIAN. I should say not.

And that he did not contend that "he (Senator Lorimer) had anything to do with it." (Record, p. 80.)

It will be remembered that on the 28th of May, 1910, shortly after the charges appeared in the public press, Senator Lorimer in the open Senate denied any act of bribery on his part in connection with his election in the most emphatic terms, and demanded an investigation by presenting the following resolution (Cong. Record, vol. 45, pt. 7, p. 7020):

IN THE SENATE OF THE UNITED STATES.

MAY 28, 1910.

Mr. Lorimer submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Privileges and Elections be directed to examine the allegations recently made in the public press, charging that bribery and corruption were practiced in the election of William Lorimer to a seat in the United States Senate, and to ascertain the facts in connection with these charges, and report as early as possible; and for that purpose the committee shall have authority to send for persons and papers, to employ a stenographer and such other additional help as it shall deem necessary; and the committee is authorized to act through a subcommittee; and its expense shall be paid from the contingent fund of the Senate."

It should further be stated that there was no testimony offered during the investigation which would tend in the remotest degree to implicate Senator Lorimer in any personal act of bribery or attempted bribery or corrupt practices of any nature.

It is claimed, however, that several members of the legislature were, in fact, bribed to vote for Mr. Lorimer, and if established it remains to inquire whether a sufficient number of members of the General Assembly of the State of Illinois were bribed to vote for Senator Lorimer to render his election to that office invalid.

It was to this question that the evidence taken on the investigation was chiefly directed and the subcommittee, who made the investigation, not only heard the testimony but observed the witnesses while on the stand, their demeanor while testifying, their apparent candor or want of candor in giving their testimony, and other indicia of the truth or falsity of the story they were telling.

Four members of the general assembly which elected Mr. Lorimer testified to receiving money as a consideration for their votes. The members who thus confessed their own infamy were Charles A. White, Michael Link, H. J. C. Beckemeyer, and Daniel W. Holstlaw.

CHARLES A. WHITE.

The chief of these self-accusers and the one on whose testimony the whole fabric of the accusation largely depends was Charles A. White, a member of the lower house of the Illinois General Assembly. White seems to have developed early in his legislative career an insatiable desire to secure a pecuniary compensation for his official acts, and he also appears to have suspected his fellow members of the general assembly of being as corrupt as himself. He endeavored to induce the chairman of an important committee to defer reporting a bill in order to extort money from those who were interested in its passage. After Mr. Lorimer had been elected to the Senate, White tried to obtain information from another member of the house whether money had not been used to promote Senator Lorimer's election. This inquiry not only shows his corrupt character, but also casts suspicion upon the truth of his story that he had been bribed to vote for the successful candidate for Senator.

After wasting his salary and other means in riotous living, White appears to have conceived the plan of claiming to have been bribed in connection with the senatorial election as a basis for extorting money from Senator Lorimer. This purpose he reveals to two of his friends and then attempts to put it into execution. In this he signally fails, as appears from the following correspondence:

O'FALLON, ILL., 12-4-09.

HON. WM. H. LORIMER,

Washington, D. C.

MY DEAR SIR: I am preparing to place before the people of this country an article I have written giving my true experience as a member of the Illinois legislature. The article will appear either in book form or will be published in one of the largest magazines in the United States.

I have just completed the manuscript, which contains about 30,000 words, giving in detail my absolutely true experiences as a member of the forty-sixth general assembly. As yet I have not closed a deal with any publishing house, but when my terms are acceptable will dispose of it.

I have been offered a sum sufficient to value the manuscript at about \$2.50 per word.

Believing that you would be more than deeply interested in the works and actions of the members of the last session of the Illinois legislature, owing to the fact that possibly your experience with that general assembly will be one of the questions freely discussed, and assuring you that I have severed all connections with the party leaders, as I am to be independent in the future in all my political dealings,

I am, respectfully, yours,

CHAS. A. WHITE.

(Record, p. 125.)

To this communication Senator Lorimer replied as follows:

HON. CHARLES A. WHITE, O'Fallon, Ill.

MY DEAR SIR: I am in receipt of your letter of December 4 in which you advise me that you have manuscript ready to place with publishers treating of your experience as a member of the Illinois Legislature.

I would be very glad indeed to know of your success as an author.

With kindest personal regards, I am,

Very truly yours,

WILLIAM LORIMER.

(Record, p. 164.)

Questioned by the committee as to his purpose in writing Senator Lorimer, Mr. White testified:

Senator PAYNTER. If I understood you, Mr. White, correctly, that you hoped to get a letter from Senator Lorimer that you could use in connection with this publication?—A. Yes, sir.

Q. Well, by that, I suppose that you expected a letter from Senator Lorimer that might aid to support your charges. Is that the hope you had in the matter?—A. Yes, sir; I had no evidence against Senator Lorimer directly, and had no dealings with him.

Q. The letter recites in substance, I do not remember the exact language, that you had been made an offer or some inducement had been held out that indicated that the manuscript was worth \$2.25 a word—or \$2.50 a word, I mean. That is the language of it, "I have been offered a sum sufficient to value the manuscript at about \$2.50 per word." Suppose that Senator Lorimer had placed the same value upon the manuscript that you did, and had offered you \$75,000, would you have taken it?—A. I would have let him have the manuscript.

Q. For \$75,000. Would you have accepted \$75,000 if he had offered it to you?—A. I don't think I would; if I had I might have turned it over to somebody else.

Q. You would have turned the money over to some one else?—A. I might have done that.

(Record, p. 126.)

Thereafter, Mr. White attempted to sell his story to eastern publications and subsequently did contract to sell it to the Chicago Tribune for the sum of \$3,500, a part of White's agreement being that he would assist in substantiating the correctness of his story. This agreement was reduced to writing and is as follows:

[Exhibit 5.]

THE CHICAGO TRIBUNE, OFFICE OF PUBLISHER,
Chicago, Ill., April 29, 1910.

TO CHARLES A. WHITE:

You offered to sell to us for publication a story written by you, which story gives your experiences while a member of the house of representatives of Illinois during 1909-10, and giving also certain information as to what transpired by reason of your voting for certain measures, etc., while a member of such house.

We refused to pay you for that story or to print the same unless such story was verified and corroborated by persons selected by The Tribune.

For more than four weeks we, with your cooperation, through different agencies, have caused your story to be fully investigated.

For the sole and exclusive right hereby granted by you to the Tribune Company to publish this story, or a revision thereof or excerpts therefrom in the Chicago Tribune and copyright it either in your name or in that of the Tribune Company, but in which shall be at our election, and also in full compensation for the time already spent by you in assisting us in obtaining corroborative evidence of the facts contained in this story, and in full payment for all your time, which shall be devoted by you to further substantiate this story at any time, which time you hereby agree to devote to that purpose as and when called upon so to do, the Tribune Company hereby agrees to pay you \$3,250, of which said sum \$1,250 shall be paid upon the printing of the said story or the first installment thereof, \$1,000 thirty days after said first payment, and \$1,000 sixty days thereafter.

You reserve to yourself all book or other rights to the story other than the exclusive newspaper rights hereinbefore referred to, which belong under the terms hereof to the Tribune Company.

J. KEELEY,
Vice-President Tribune Company.

CHICAGO, ILL., *April —, 1910.*

TO THE CHICAGO TRIBUNE, AND THE TRIBUNE COMPANY.

GENTLEMEN: I have read the above and foregoing and agree to the terms thereof, and to accept the sums of money as therein set forth, and I further agree to devote my time and services to substantiate the story referred to as and when requested by you so to do and in such manner as you may direct.

CHAS. A. WHITE.

(Record, p. 104.)

White's account of the alleged bribery of himself is given circumstantially and in detail, but in this he has been shown to have falsified in several important particulars concerning which he could not have been mistaken had his narrative been true. Among other things he stated that Browne came to his room shortly before the election of Senator Lorimer and that two men named Yarborough were then in the room. But it was proved by two reputable and credible witnesses that on the evening in question one of these men was in Chicago.

Without further reference to the details of White's testimony, it may be said that after seeing, observing, and hearing this witness it was the opinion of a majority of the subcommittee that no credence ought to be given to any part of his testimony tending to establish the fact of bribery. And after carefully reading the testimony given by White in the investigation, a majority of the committee concur in the opinion of the subcommittee in that regard.

