

ELECTION OF WILLIAM LORIMER

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REPORT

OF THE

COMMITTEE OF THE SENATE  
OF THE UNITED STATES

PURSUANT TO

S. RES. 60

DIRECTING A COMMITTEE OF THE SENATE TO INVESTIGATE  
WHETHER CORRUPT METHODS AND PRACTICES WERE  
USED OR EMPLOYED IN THE ELECTION OF WILLIAM  
LORIMER AS A SENATOR OF THE UNITED  
STATES FROM THE STATE OF ILLINOIS

TOGETHER WITH THE

VIEWS OF THE MINORITY

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Due to length of report, only excerpts are included. Complete report available upon request. -- Senate Historical Office

## ELECTION OF WILLIAM LORIMER.

MAY 20, 1912.—Ordered to be printed.

Mr. DILLINGHAM, from the Committee of the Senate appointed to investigate whether in the election of William Lorimer as a Senator of the United States from the State of Illinois there were used and employed corrupt methods and practices, submitted the following

### REPORT.

The committee named in Senate resolution No. 60 of the Sixty-second Congress, first session, respectfully reports that immediately after the adoption of the same it organized and entered upon the work assigned it. Under its authority to employ counsel the services of John H. Marble, of Washington, and John J. Healy, of Chicago, were secured and the work was mapped out. On the 20th day of June a series of public hearings were inaugurated in Washington, which continued until August 9, when a recess was taken until October 10, on which day the committee convened in Chicago, and public hearings were held until November 22, when another recess was taken until December 5, on which day the committee again took up the work in Washington, where the hearings were continued until February 9, 1912. These public hearings actually occupied 102 working-days. One hundred and eighty different persons appeared and testified as witnesses, and a large volume of documentary evidence was secured.

The record of such hearings has been laid before the Senate for its consideration. It is comprised in eight volumes, containing 8,588 printed pages, with an accompanying digest index.

The following is a copy of the resolution referred to:

*Resolved*, That a committee of the United States Senate, consisting of the following members of the Committee on Privileges and Elections: Senators Dillingham, Gamble, Jones, Kenyon, Johnston, Fletcher, Kern, and Lea, be, and are hereby, authorized, empowered, and directed forthwith to investigate whether in the election of William Lorimer as a Senator of the United States from the State of Illinois there were used and employed corrupt methods and practices.

That said committee be authorized to sit during the sessions of the Senate, and during any recess of the Senate or of Congress; to hold sessions at such place or places as it shall deem most convenient for the purposes of the investigation; to employ

stenographers, counsel, accountants, and such other assistants as it may deem necessary; to send for persons, books, records, and papers; to administer oaths; and as early as practicable to report to the Senate the results of its investigation, including all testimony taken by it; and that the expenses of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

The committee is further and specially instructed to inquire fully into and report upon the sources and use of the alleged "jack-pot" fund or any other fund in its relation to and effect, if any, upon the election of William Lorimer to the Senate.

#### STATEMENT REGARDING A PRIOR INVESTIGATION.

Inasmuch as under a Senate resolution of June 20, 1910, the Committee on Privileges and Elections of the Senate also made an investigation of the question "Whether in the election of said William Lorimer as a Senator of the United States from said State of Illinois there were used or employed corrupt methods or practices," and inasmuch as the Senate on the 1st day of March, 1911, having fully considered the question, on the reports of such committee and the evidence taken, determined that Mr. Lorimer was entitled to retain his seat; and inasmuch as the present investigation is in the nature of a rehearing of the case, the committee at this point inserts certain important undisputed dates taken from the brief of counsel representing Mr. Lorimer at this time, to aid in a ready reference to different circumstances and events hereinafter more fully stated and considered. They are as follows:

The Forty-sixth General Assembly of Illinois met and organized January 6, 1909. On that day the house elected Edward D. Shurtleff speaker.

The first vote for United States Senator in the separate houses of the legislature was taken January 19, 1909. The first joint ballot for United States Senator was taken January 20, 1909. There were 95 joint ballots for United States Senator. More than 150 different men were voted for, for United States Senator, by that legislature.

The first vote for William Lorimer for United States Senator was cast May 13, 1909. William Lorimer was elected Senator on the ninety-fifth joint ballot, taken on the 26th day of May, 1909.

There were 202 members of the legislature present and voting on the ninety-fifth ballot, May 26, 1909. On that ballot William Lorimer received 108 votes for United States Senator; Albert J. Hopkins received 70 votes, and Lawrence B. Stringer received 24 votes. Senator Lorimer had a majority of 14 votes.

Two hundred and four members had been elected to the Forty-sixth General Assembly of Illinois. Paul Zaable, a member of the house, died in January, and the vacancy was not filled at that session. Frank P. Schmidt, a member of the senate, was not present at the taking of the ninety-fifth ballot.

The total number of Republicans elected to the house was 89; the total number of Democrats elected to the house was 64. The total number of Republicans in the senate was 38; the total number of Democrats in the senate was 13. The total number of Republicans elected to both houses of the legislature was 127; the total number of Democrats elected to both houses of the legislature was 77.

On the ninety-fifth ballot 55 Republican votes and 53 Democratic votes were cast for Mr. Lorimer.

William Lorimer was commissioned United States Senator by Gov. Deneen on May 27, 1909.

Senator Lorimer was sworn in and took his seat in the United States Senate June 18, 1909.

On April 30, 1910, the Chicago Tribune published the White story.

April 29, 1910, State's Attorney Wayman filed a petition for and obtained an order calling a special grand jury in Cook County.

May 2, 1910, the special grand jury convened and was sworn in.

Lee O'Neil Browne was indicted on the 6th day of May, 1910, on a charge of bribing Charles A. White to vote for Senator Lorimer.

May 28, 1910, Senator Lorimer made a speech in the United States Senate and demanded an investigation of the charges made by the Chicago Tribune April 30, 1910.

On June 7, 1910, Clifford W. Barnes filed charges in the Senate of the United States against Senator Lorimer.

June 20, 1910, the United States Senate adopted a resolution, which was as follows:

"Resolved, That the Committee on Privileges and Elections of the Senate, or any subcommittee thereof, be authorized and directed to investigate certain charges against William Lorimer, a Senator from the State of Illinois, and to report to the Senate whether in the election of said William Lorimer as a Senator of the United States from said State of Illinois there were used or employed corrupt methods or practices; that said committee or subcommittee be authorized to sit during the sessions of the Senate, and during any recess of the Senate or of Congress, to hold its sessions at such place or places as it shall seem most convenient for the purposes of the investigation, to employ a stenographer, to send for persons and papers, and to administer oaths, and that the expenses of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee."

A subcommittee of the Committee on Privileges and Elections of the Senate of the United States, of which Senator Burrows was chairman, was appointed to investigate the charges against Senator Lorimer.

On the 7th day of June, 1910, Lee O'Neil Browne was placed on trial under the indictment returned against him. The jury in that trial disagreed and were discharged June 29, 1910. Lee O'Neil Browne was placed on trial the second time on the same indictment August 4, 1910. The jury in the second Lee O'Neil Browne trial returned a verdict of not guilty September 9, 1910.

September 20, 1910, the subcommittee of the Committee on Privileges and Elections of the Senate of the United States convened in Chicago to hear testimony. September 22, 1910, the subcommittee of the Senate held its first public hearing.

The subcommittee of the Senate concluded the hearing of testimony in Chicago October 8, 1910.

December 7, 1910, the subcommittee of the United States Senate took further testimony in Washington, D. C., and on that day concluded the public hearings.

December 21, 1910, the Committee on Privileges and Elections of the Senate presented its report to the Senate of the United States. The report exonerated Senator Lorimer and found:

"In our opinion the title of Mr. Lorimer to a seat in the Senate has not been shown to be invalid by the use or employment of corrupt methods or practices."

On January 9, 1911, Senator Beveridge submitted his views to the Senate of the United States, dissenting from the report of the Committee on Privileges and Elections, and offered the following resolution:

"Resolved, That William Lorimer was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Illinois."

On January 30, 1911, Senator Frazier, a member of the Committee on Privileges and Elections, submitted his views to the Senate, concurring in the resolution offered by Senator Beveridge.

The report of the Committee on Privileges and Elections and the resolution of Senator Beveridge were discussed and debated on the floor of the Senate at intervals until March 1, 1911.

On the 1st of March, 1911, the resolution of Senator Beveridge was determined in the negative by the Senate; a roll call thereon resulted in a vote—nays 46, yeas 40.

The Sixty-first Congress adjourned sine die at noon March 4, 1911.

#### CIRCUMSTANCES LEADING UP TO PRESENT INVESTIGATION.

While the question of Mr. Lorimer's right to a seat in the United States Senate was under consideration and debate in that body, to wit, on January 17, 1911, a committee was appointed by the Senate of the Illinois Legislature, known as the Helm committee, to investigate the circumstances connected with the election of Mr. Lorimer as a Senator of the United States from the State of Illinois. By a peculiar coincidence Mr. H. H. Kohlsaas, editor of the Chicago Record-Herald, on the same day addressed to the Hon. Elihu Root, a Senator of the United States from the State of New York, the following personal letter, containing information which, if true, would have had a direct bearing upon the question at issue before the Helm committee as well as in the Senate of the United States, but the source of which informa-

tion and its authenticity he could not make public or consent to have investigated because of the circumstances under which he had received the same. The information Mr. Kohlsaas says was given to him in confidence and, as a newspaper man, he felt "the same obligation to maintain secrecy that a priest does of a confession."

The letter was as follows:

CHICAGO, ILL., *January 17, 1911.*

Senator ELIHU ROOT,  
*Washington, D. C.*

MY DEAR SENATOR: I have just received a call from some well-known people here, among them Mr. Walter L. Fisher, asking me if I would not write you and tell you of an incident in the Lorimer senatorial election. My friends thought that if you had this personal knowledge it would be of assistance to you in strengthening your belief that money was used to elect Lorimer. The information was given to me in confidence, and as a newspaper man I feel the same obligation to maintain secrecy that a priest does of a confession.

Some time last June I met a friend who is general manager of a Chicago corporation with a capital of over \$25,000,000. He said, "I have been intending to call on you for some days to tell you of an incident that occurred right after Lorimer's election a year ago. I had a visit from Edward Hines, the lumberman, and he told me that Lorimer's friends had had the opportunity of electing him to the Senate by putting up \$100,000; that they had only a few days before the adjournment of the legislature, and could not take the time to go around and raise the money, so a half dozen of Lorimer's friends underwrote the \$100,000 and gave it to the proper agent. Lorimer was elected, and we are now asking some of the corporations to pay in their share. I am taking care of the down town district, and another man (mentioning his name) has charge of the stockyards. We figure that your share will be \$10,000." My friend answered substantially as follows: "I can not give you any money for two reasons: First, we are not in that kind of business; and second, if you have gotten yourselves into a hole, why should you expect us to pull you out?"

On the strength of this statement the Record-Herald has explicitly stated several times, editorially, that \$100,000 was raised to buy Lorimer's election, and we have never had a protest from anybody on it. The man who gave me this information is absolutely reliable. He had no object in telling me a falsehood, and I believe him thoroughly.

When Col. Roosevelt was here on his way to Cheyenne I told him of the incident, and it was the prime motive that prompted him to decline to sit at the Hamilton Club banquet with Lorimer.

Hoping that this may be of some value to you, believe me,

Yours, sincerely,

H. H. KOHLSAAT.

On February 11, 1911, Senator Root replied to this letter, strongly urging Mr. Kohlsaas to induce the friend who had given him the information upon which his letter was based to disclose his identity.

Upon receipt of Senator Root's letter, Mr. Kohlsaas sent for Mr. Clarence S. Funk, general manager of the International Harvester Co., the friend to whom he referred in his letter to Senator Root as his informant, but whose name he had not revealed, and showing him the letter told him that he was the only man who could settle that question. Mr. Funk, after full consideration, refused to allow his name to be given, and on February 15, 1911, Mr. Kohlsaas so informed Senator Root in the following letter:

CHICAGO, ILL., *February 15, 1911.*

DEAR SENATOR ROOT: Your favor of the 11th at hand. I agree with you my friend's testimony would greatly help at this time, but it would absolutely ruin him to take the stand. He was approached as an officer of the company, not as an individual, and could not come out in the open without the consent of the directors, some of whom are friendly to Lorimer. You can imagine the situation he is, and would be, in.

I know some of the forces at work to keep Lorimer in the Senate. If they succeed, God help us; a day of reckoning will surely come to the American people.

The weakness of the anti-Lorimerites is that the Chicago Tribune is back of the fight to unseat Lorimer. That paper is rendering a great service to the people of these United States.

Your speech made a great impression throughout the West. It was a wonderful plea for the right.

Yours, faithfully,

H. H. KOHLSAAT.

To Senator ELIHU ROOT,  
*Washington, D. C.*

On the same day, February 15, 1911, Mr. Kohlsaat published in the Record-Herald an editorial in which the following language was used:

Do we know all there is to be known concerning the \$100,000 fund that was raised to pay for Lorimer's votes?

This attracted wide attention and caused inquiries to be made of Mr. Kohlsaat by Senator La Follette and others who were anxious to ascertain upon what authority such statement and inquiry were made, and what the facts were with respect to the raising of the alleged fund.

Senator La Follette telegraphed Mr. Kohlsaat asking for information regarding the allegation of the existence of a fund of \$100,000, and received in reply the following telegram:

CHICAGO, *February 21, 1911.*

Senator LA FOLLETTE, *Washington, D. C.:*

If I had all the details of the raising and disposition of the \$100,000, would not have asked the editorial question. That \$100,000 was raised for that purpose I have absolutely no shadow of doubt, but can not prove. We have made the assertion a number of times editorially. The assertion has never been challenged. You are the first person to ask for particulars.

H. H. KOHLSAAT.

Senator La Follette was exceedingly anxious to secure the information and endeavored to induce Mr. Kohlsaat to go to Washington, and, failing, wired his friend, Mr. Charles R. Crane, to see and induce Mr. Kohlsaat to do so. Mr. Crane visited Mr. Kohlsaat, exhibited the telegram, and urged him to go. Mr. Kohlsaat repeated to Mr. Crane the story he had written to Senator Root, but refused either to visit Washington or to reveal the name of his informant. Immediately thereafter Mr. Kohlsaat sent the following telegram to Senator La Follette:

CHICAGO, ILL., *February 22, 1911.*

Senator ROBERT M. LA FOLLETTE,  
*Washington, D. C.:*

Please ask Senator Root to show you my letters of January 17 and February 15. I gave Charles Crane this morning my reasons for not giving names. He agreed with me that it would not be just right or wise to do so.

H. H. KOHLSAAT.

Neither Senator made public the contents of such letters and telegrams during the debates in the Senate, and Mr. Lorimer's right to retain his seat in the United States Senate was determined in his favor by vote of that body on the 1st day of March, 1911.

Almost a month thereafter the Helm committee, which did not commence taking testimony until March 28, 1911, summoned Mr. Kohlsaat as a witness to testify regarding the editorial in question

and the facts upon which it was based, whereupon the following proceedings were had:

WEDNESDAY, MARCH 29, 1911—9.45 O'CLOCK A. M.

The committee convened pursuant to the call of the chair.

HERMAN H. KOHLSAAT, called as a witness herein, being first duly sworn, was examined by Mr. Healy, and testified as follows:

Q. What is your full name?—A. Herman H. Kohlsaat.

Q. Your residence is in Chicago?—A. Chicago.

Q. You are the editor and proprietor of the Chicago Record-Herald?—A. Yes.

Q. That is a newspaper published in the city of Chicago?—A. It is when the strikers do not shut us up.

Q. As editor and proprietor of that paper, I assume, Mr. Kohlsaat, that you are—that you have general supervision and control over it?—A. Yes.

Q. Exercise a supervisory control over the paper and over the editorial pages?—A. Yes.

Q. In February of this year, Mr. Kohlsaat, there was published in the Chicago Record-Herald an editorial in reference to the senatorial action at Springfield. I will show you a copy of that editorial, or what purports to be a substantial copy [handing document to witness].—A. (Examining document). I think that is practically correct, because that is the way I felt and feel.

Q. That editorial, then, was written by you?—A. Dictated.

Q. Yes?—A. Yes.

Q. You had information upon which that editorial was based?—A. Yes.

Q. Have you any objection to giving the committee that information?—A. Yes.

Q. You have objection?—A. Yes.

Q. Well, do you object to giving the committee the information which you had without at this time perhaps identifying the individual or individuals who gave you the information?—A. Yes; because if I did that it would naturally lead up to the main party in the controversy, and it would undo just what I do not want to do.

Q. That is what I want to show; if there is any main party here it will lead up to, that is what we want to show.—A. Can not I tell this in my own way?

Q. Yes, certainly.—A. I am willing to answer questions as you put them.

Q. Go ahead and make any statement that you please.

Senator BURTON. Can I see that paper?

Mr. HEALY. I have some other copies here. Just a minute; perhaps you might let the committee familiarize themselves with the editorial first.

(Said copy of said editorial is in words and figures as follows, to wit:)

[Wednesday, Feb. 15, 1911.]

#### BAILEY'S FALLACY—WITH APPLICATIONS.

Senator Bailey has almost convinced himself that there was no corruption at all in the Illinois Legislature which sent Lorimer to the Senate. His grand "forgery" climax was cruelly spoiled, but undaunted he asserted that there was little except suspicion and talk in the Lorimer and jack-pot scandals. Generalizing, he contends that there is much less corruption and graft in the country than many people, misled by muck-rakers, have been led to believe.

Now, this general statement may be true without lending any force whatever to Bailey's view of concrete cases. Do we know all that we might about the Illinois jack pot? Do we know all there is to know concerning the \$100,000 fund that was raised to pay for Lorimer votes? Do we know the true inwardness of the Browne, Erbstein, Keeley trials?

In some instances there is undoubtedly more cry than there is wool in muckraking affairs. In others, like the Albany Allds-Conger scandal, the Illinois Lorimer affair and jack pot, the facts are much graver than the average voter in certain districts realizes, or men like Browne, Broderick, or Wilson would never have been reelected. If all the facts were known about Springfield and Albany graft a good many men would be moving penitentiaryward. In cases of bribery, perjury, looting of public treasuries it is not easy to get the "parties" to talk, for obvious reasons. What loose writers here and there say about unspecified graft has no bearing on concrete cases. In such cases the question is one of evidence—its quantity and quality—and of inference, probability, reasonable interpretation.

(Mr. Healy here passed copies of the document to the members of the committee.)

By Mr. HEALY:

Q. There were a number of editorials written along that same line, were there not?—

A. Yes.

Q. About that time?—A. Yes. Shall I just tell this in my own way?

Q. Just tell it in your own way, yes.—A. Shortly after the Chicago Tribune published Representative White's story last spring I met a friend of mine, a man of the highest character, intelligence, and a man who does not make reckless statements, and he gave me a detailed account of the raising of \$100,000 to bring about the election of Mr. Lorimer. He gave it to me in confidence. I told him that the confidence would not be betrayed. With that feeling of perfect security that this man's information that he gave me was absolutely reliable, I took the position that the election should be investigated and came out editorially and backed the Tribune in its fight. The natural inclination in cases of that kind, where there are two great papers striving in the same field for circulation, advertising, and influence, is to, in the language of the street, knock the other paper's story. But I was so impressed with the truth of this that I came out editorially next day after this and backed the Tribune in their story, and have done it ever since.

As I say, this was given to me in confidence. The cardinal principle of an honorable, upright, newspaper man is confidence. When I engage a cub reporter or put out a correspondent or a financial man on the street, I say: "Now, one thing you must understand from the start, that when a man gives you a piece of information in confidence you, under no circumstances whatever, must ever divulge his name. If you do, you will be discharged, no matter how important and vital to the newspaper that information is." About a month ago we printed a story in Chicago exclusively that I would have been glad to pay \$500 for—a big financial story. I asked the managing editor who got it, and he told me, and I sent for the man and I complimented him on his story, and then said, "Who gave it to you?" He said, "I got it in confidence." I said, "If you tell me I will discharge you."

Now, I have talked that to my boys and men and correspondents, as Mr. Evans here can assure you personally, for 20 years, and nothing under heaven would make me set an example of breach of confidence to my men and to the other newspaper reporters and the men of this country. There is no one that is more interested in maintaining that status of correct behavior between newspaper men and public men than you gentlemen yourselves. Suppose that during this trial I had given the name of my informant and he had given the testimony; it would have had a wonderful influence in the case. But he is—I asked him if he had changed his mind and if I was at liberty to give the information, and he said, "No, I could not release you"; and he told me why, and his reasons were absolutely sufficient, and I would not violate that confidence for anything.

Some of the Senators in Washington got hold of these same editorials, and Senator Root and others asked me if I could bring that evidence out. I told them I could not and would not under any circumstances. When I got the summons from your committee to appear here—I have a great respect for any legislative committees that are out trying to probe and clean up corruption in the State—I came down here, but I wish that some one of the committee had come to see me beforehand, and I think I would not have had to sleep in upper 13 on the Alton last night, or try to sleep. I am sorry I can not do it, that I can not give you the information, but it is really impossible for me to violate that confidence. I have been very frank with you and will answer any question except leading questions that you wish to put to me.

Q. Did this gentlemen, whose identity you do not care to disclose, tell you that he had been personally involved in the matter, or came into personal contact with some one who had?—A. Mr. Healy, I will have to refuse to answer all those questions, because you are too clever for me, and if I got started you might uncover some things that I would not want to go into. I have heard you before juries.

Q. Well, that is very complimentary, Mr. Kohlsaat, but at the same time, I think you are quite capable of taking care of yourself.—A. Well, I find the safest way is to make a complete straight statement in the beginning and then not diverge.

Q. And in your present frame and attitude of mind that is all the information that you would care to give the committee at this time?—A. Yes. I simply say that I am exactly of the same opinion to-day as I was when those editorials were written. All those editorials were written with this object in view. I felt that I was perfectly justified in taking the position, although legally I might not be able to accomplish anything. I think morally the support that we gave has been very beneficial, not only to the State of Illinois but to the country at large. The question of one man's election to the United States Senate cuts very little figure. I believe that this investigation that has gone on and the publicity and everything else has had a wholesome effect

on the whole country, and I feel I would be lax in my duty as a leader in public opinion if I had not used the instrument at hand to strengthen public opinion.

Q. Well, the information you got at that time impressed you with its accuracy and truth?—A. Absolutely.

Q. And you were sufficiently impressed to justify the publication of the editorial which has been called to your attention?—A. Yes. And if you will read the editorials you will see that they are all written so that I could not be pulled up in a criminal-libel case and be made to tell the names. I never have used any names.

Q. I am going to ask you some leading questions now, Mr. Kohlsaas. Did this informant tell you that he was approached with the request that he should contribute \$10,000 to this \$100,000 fund?—A. I decline to answer, Mr. Healy.

Q. And which contribution on his part was to be used in conjunction with the senatorial election in Illinois in 1909?—A. I must decline to answer.

Q. Did he tell you that he was one of the 10 men who were asked to contribute to such a fund?—A. I decline to answer.

Q. Did he inform you that a fund of \$100,000 had been raised to induce the election of Senator Lorimer in the State of Illinois in 1909, and that subsequently the man or men who raised that fund desired to reimburse themselves?—A. Split your question, please. Mr. Healy.

Mr. HEALY. Just read the first part of the question.

(The following portion of the question was read: "Did he inform you that a fund of \$100,000 had been raised to induce the election of Senator Lorimer in the State of Illinois?")

A. He did.

Q. Did he also tell you that the man or men who had raised that \$100,000 fund desired to reimburse themselves, or solicit 10 other men, residents of Chicago, to make that amount good?—A. I must decline to answer.

Q. And did he tell you that he was one of the men so approached?—A. I decline to answer.

Q. Did he give you the name or names of men who approached him, and what they said to him in connection with the matter?—A. I must decline to answer.

Q. I assume that information was obtained—I believe you have answered this question, but in order to have the record clear in that respect, I assume that information was obtained at or about the time these editorials were published?—A. I can not fix that date in my mind, but it was after the publication of the White letter, very shortly after the publication of the White letter.

Q. That was in April or May, 1910, wasn't it?—A. Well, it was last spring, I did not—

Q. About a year ago?—A. Just about a year ago.

Q. Mr. Kohlsaas, did you verify the information received from this unnamed person in any other way?—A. No; I did not have to. I could not verify it, but so many things developed in the trials and everywhere else afterwards that corroborated it, although this man's word personally to me was all that was necessary.

Q. Well, by verification, I mean did you send to any of the persons whom he had named?—A. Oh, no, no.

Q. And cause them to be interviewed?—A. No; the matter came to me in confidence, and I could not go and ask a man such a question. He would say, "What is your authority?" And I am in duty bound when I ask a man a question of that kind, that has an insult in the question, to have some basis for it.

Q. This man who gave you the information is a resident of Chicago?—A. I refuse to answer. I decline to answer, to put it politely.

Q. Is he still living, as far as you know?—A. Yes.

Mr. HEALY. Well, I suggest, Mr. Chairman, that we ought to consider the matter perhaps in executive session and call Mr. Kohlsaas a little later, perhaps.

THE WITNESS. Could I get away at noon, gentlemen, because I have important business in Chicago?

Senator BURTON. I wish to ask him some questions.

Chairman HELM. Before we proceed with the executive session you may ask some questions.

By Senator BURTON:

Q. Mr. Kohlsaas, you say you are editor of the Record Herald?—A. Yes, sir.

Q. Your paper has insisted upon this investigation being conducted?—A. Yes, sir.

Q. And yet when you are called here you refuse to aid us in that investigation?—A. Yes.

Q. Will you denounce any citizen that takes the same stand that you do and refuses to give us information by reason of a personal confidence?—A. I think a man that

would violate a personal confidence is not worth his salt, and a newspaper man beyond all others. We could not run an honorable upright newspaper if we did it, and you, and you gentlemen here, are tremendously interested that there should be a straight-forward, manly, decent press.

Q. Where do you draw the distinction between a private citizen and the editor of a great paper when he undertakes to purge the general assembly of a class of men that you have charged are here?—A. Well, it may be hard for me to impress that upon you, but in my story I told you that I had made that a cardinal principle with all my men, and I am not going to start out by giving them a bad example, no matter what the consequence might be.

Q. Are you sure you are not giving them a very bad example now?—A. No.

Q. How can you expect a private citizen to come here and give us information when a man occupying the position you do comes here and refuses to disclose the source of his information that inspired the editorial you have written?—A. Well, I think that a newspaper man, an editor's position, is entirely different from a private individual, but if I were a private individual and gave my word I would not break it any more than I would as a newspaper man.

Q. Then you think the private citizen that comes here and has obtained information in confidence is justified in refusing to answer, the same as you?—A. If that is his code of morals. That is my code. I can not be responsible for other people's.

Q. Have you a code of morals that justifies you in writing editorials and insisting that there should be a searching investigation and yet when called before this committee to give information you refuse to give it? Is that your code of morals?—A. Well, I do not think that your question is fair. I think that I have stated so clearly my position in this thing, and that—

Senator McKENZIE. Isn't it true, Mr. Kohlsaas, that in dealing with all public men and getting information from your correspondents that is treated as a privileged communication and the name of the giver of the information is held in the background? Isn't that right; isn't that the way you get the news?—A. It is, if it was given in confidence. Mr. Evans there is my Springfield correspondent. If Senator McKenzie were to give Mr. Evans anything and say, "Mr. Evans, I don't want my name to appear in this in any manner, shape, or form," and Mr. Evans said, "It will not," nobody could drag it out of him. I could not drag it out of him, and if I could I would not have him here.

Q. You would not get very much, either.—A. That is so. [Addressing Senator Burton.] Answering your question, I have had very close personal relations with three Presidents of the United States who have sent for me and told me things in confidence that were vital in the extreme. We fought for those principles because they said they wanted to bring them about, they wanted to create public sentiment, and if I had told especially one thing that I have in mind now, when asked by a number of my newspaper editorial associates around the country, the source of the information, it would have created a racket on both sides of the water. But that man knew that he was perfectly safe in talking to me, and when a newspaper man has a reputation of violating confidence his usefulness as a public citizen and leader ceases from that moment on. Now, following along as a private individual, I can not do that. I have got all the trouble I can have looking out for myself, but that is my attitude.

Mr. HEALY. I think before we proceed further in asking questions we had better go into executive session, and we will ask everybody else to retire from the room for the present.

(Whereupon the committee went into executive session, at the conclusion of which the open session was resumed and the following proceedings had:)

Chairman HELM. Mr. Kohlsaas, the committee has agreed that we will have to require you to answer, and if you refuse that we will report the matter to the senate and request you to appear back here next Wednesday to see what the senate desires to do in the matter. Will you still persist in refusing to answer?—A. Yes.

Q. You decline to make any further disclosure?—A. Yes. Could you make that Thursday? You see Tuesday is election day, and I am up pretty nearly all night.

Chairman HELM. That will be satisfactory.

Mr. HEALY. That will be at what hour?

Chairman HELM. What hour will satisfy you?

Mr. HEALY. You will probably have to be here, Mr. Kohlsaas, at the morning session of the Senate. I suggest we make it 10 o'clock, next Thursday, April 6.

(The committee then took a recess until 2 o'clock of the same day, Wednesday, March 29, 1911.)

Having persistently refused to reveal the name of his informant, and the committee having insisted that he do so, Mr. Kohlsaas was excused for a week, pending action of the Illinois Senate thereon, and

he returned to Chicago. The press gave great publicity to the incident, emphasizing the fact that he was facing a possible arrest and imprisonment should he persist in such refusal, and much public interest was aroused, the result of all which was that Mr. Clarence S. Funk came forward and for the first time consented that his name as such informant be disclosed; and on April 5, 1911, Mr. Funk, to save Mr. Kohlsaatt from further trouble, assumed the responsibility for such statement and testified before the Helm committee at Springfield as follows:

CLARENCE S. FUNK, called as a witness herein, being first duly sworn, was examined by Mr. Healy and testified as follows:

Q. What is your full name, Mr. Funk?—A. Clarence S. Funk.

Q. Where do you live?—A. In Oak Park, Chicago.

Q. How old a man are you?—A. Forty-four.

Q. You are married?—A. Yes.

Q. Have a family?—A. Yes.

Q. And what is your business?—A. I am general manager of the International Harvester Co.

Q. How long have you occupied that position, approximately?—A. Since November 1, 1906.

Q. And where are your headquarters?—A. Harvester Building, Chicago.

Q. How long have you been connected with the harvester company in any way?—A. Since its organization.

Q. And about how long is that?—A. Oh, nine years.

Senator HELM. Are there other witnesses that you desire to have excluded?

Mr. HEALY. No; no others. And I did not ask to have Mr. Funk excluded because the statement was simply preliminary.

Q. What was your business before that, Mr. Funk?—A. I was sales manager for the Warder, Bushnell & Glessner Co., one of the concerns that sold out to the harvester company.

Q. What, generally, are your duties as general manager of the International Harvester Co.?—A. General supervision over the operating end of the business.

Q. I direct your attention to a conversation that you had with Edward Hines, of the Edward Hines Lumber Co., in the latter part of the month of May, 1909, or the early part of the month of June, 1909. Did such a conversation take place?—A. Well, I can not identify the month. I had a conversation with Edward Hines shortly after Lorimer was elected United States Senator by the legislature.

Q. Well, it is in the record here that the election of Senator Lorimer was on the 26th of May, 1909. Directing your mind to that time, or about that time, when was it that this conversation occurred?—A. It was shortly after that. I could not say whether it was 5 days or 10, but it was within a short time afterwards.

Q. Where did that conversation take place?—A. Union League Club, Chicago.

Q. And with whom was the conversation?—A. Edward Hines.

Q. Was the conference arranged in any way or was it more or less accidental?—A. I met Mr. Hines accidentally, and he said he had been trying to get a chance to see me or get time to see me.

Q. In what part of the Union League Club did that conversation take place?—A. In the large lounging room right off of the entrance.

Q. And about what time of the day, Mr. Funk?—A. It was after lunch, in the afternoon.

Q. You had gone over there to get your luncheon?—A. Yes. I was just coming out.

Q. Coming down from the luncheon room, you met him in the lounging room?—A. Yes.

Q. Now, will you tell the committee, Mr. Funk, what occurred and what was said at that conversation by Mr. Hines and by yourself?—A. Do you want me to undertake to repeat verbatim?

Q. As near as you can remember: otherwise the substance of the conversation.

Senator HELM. Where you can remember the exact language you will give it, and where you can not, then give the substance.

A. Well, he said I was just the fellow he had been looking for, or trying to see, and said he wanted to talk to me a minute. So we went and sat down on one of the leather couches there on the side of the room, and without any preliminaries, and quite as a matter of course, he said, "Well, we put Lorimer over down at Springfield, but it cost us about a hundred thousand dollars to do it." Then he went on to say that they had had to act quickly when the

time came; that they had had no chance to consult anyone beforehand. I think his words were these, "We had to act quickly when the time came, so we put up the money." Then he said, "We—now we are seeing some of our friends so as to get it fixed up." He says they had advanced the money; that they were now seeing several people whom they thought would be interested to get them to reimburse them. I asked him why he came to us. I said, "Why do you come to us?"—meaning the harvester company. He said, "Well, you people are just as much interested as any of us in having the right kind of a man at Washington." Well, I said—I think I replied, and said, "We won't have anything to do with that matter at all." He said, "Why not?" I said, "Simply because we are not in that sort of business." And we had some aimless discussion back and forth, and I remember I asked him how much he was getting from his different friends. He said, "Well, of course we can only go to a few big people; but if about 10 of us will put up \$10,000 apiece that will clean it up." That is the substance of the conversation. I am repeating it verbatim just as far as I can, Mr. Chairman. I do not undertake to say that is absolutely exact.

I left him then in just a moment. As I left he asked me to think it over. I made no reply to that. I just walked away.

Q. Is that the conversation as you remember it now, Mr. Funk, or do you recall anything else which was said with reference to the person to whom the money was to be sent?—A. Well, he—yes, he mentioned another name. Before I had any chance to say anything he had told me this, that he also mentioned the name of the man to whom he wanted me to send the money.

Q. Who was that man?—A. I do not like to answer that question, because I have no evidence that the man he named had any knowledge of the transaction, had anything to do with it; and I do not want to drag in the name of another man in a matter of this kind, if I can help myself. I have no evidence beyond his statement to me.

After considerable discussion the committee having held that the name should be revealed, the witness said:

Well, I will answer, under protest. He told me to send the money to Ed. Tilden.

Mr. HEALY:

Q. Who is Ed. Tilden, if you know?—A. Well, I think he is president or vice president of some one of the banks at the stockyards, and I believe he is one of the officials of the National Packing Co. I don't know—

Q. He is president of the National Packing Co., isn't he, or connected in some official way with that company?—A. I understand so.

#### PROCEEDINGS IN THE SENATE OF THE UNITED STATES.

This was the first information given to the public or which had come to the Senate or to any committee of the Senate concerning this now famous interview.

The press of the country gave great publicity to Mr. Funk's testimony before the Helm committee, and the following day, April 6, 1911, Senator La Follette introduced into the Senate a resolution, the preamble of which was as follows:

Whereas the Senate, by resolution adopted on the twentieth day of June, nineteen hundred and ten, authorized and directed the Committee on Privileges and Elections to investigate certain charges against William Lorimer, a Senator from the State of Illinois, and to report to the Senate whether, in the election of said Lorimer as a Senator of the United States from said State of Illinois, there were used and employed corrupt methods and practices; and

Whereas said committee, pursuant to said resolution, took the testimony of a large number of witnesses, reduced the testimony to printed form, and reported the same to the Senate, which was thereafter considered and acted upon by the Senate; and

Whereas the Illinois State Senate thereafter appointed a committee to investigate like charges against William Lorimer and to report to said State senate whether in the election of said Lorimer to the United States Senate corrupt methods and practices were employed and used; and

Whereas as it appears from the published reports of the proceedings of the said Illinois State Senate committee that witnesses who were not called and sworn by the committee of this Senate appointed to investigate said charges have appeared before the said committee of the Illinois State Senate, and upon being interrogated have

given important material testimony tending to prove that one hundred thousand dollars was corruptly expended to secure the election of William Lorimer to the United States Senate.

The resolution provided for the appointment of Senators Works, Townsend, McLean, Kern, and Pomerene as a committee to investigate "and report to the Senate whether in the election of William Lorimer as a Senator of the United States from the State of Illinois, there were used and employed corrupt methods and practices."

On May 22 Mr. Dillingham introduced a resolution providing for an investigation of the same character by the Committee on Privileges and Elections, the preamble of which was as follows:

Whereas since the action by the Senate on the resolution of June twentieth, nineteen hundred and ten, relating to the seat of William Lorimer, it is represented that new testimony has been discovered; and

Whereas the Senate of the State of Illinois did on the eighteenth day of May, nineteen hundred and eleven, adopt the following resolutions:

"Whereas, under S. Res. 17, a committee was appointed to investigate charges of corruption and official misconduct against members of this senate; and

"Whereas said committee has reported the result of its investigation to this senate, from which it appears that there were important and material witnesses without the State of Illinois, whose attendance it could not legally compel and which witnesses refused voluntarily to appear; and

"Whereas said committee was seriously impeded in the performance of its duties by what we believe to be the unwarranted action of a certain judge; and

"Whereas it appears from the report of said committee that despite its inability to compel the attendance of such foreign witnesses and the adverse action of said judge sufficient evidence was procured to show that without bribery and corruption and by reason of the failure of certain senators and representatives during the different roll calls, to carry out the will of the people as expressed at the polls, in the choice for a United States Senator, which action we deem most reprehensible, and should be condemned, and which we hereby condemn."

On the same day, May 22, 1911, Senator La Follette began a speech, dealing generally with the question of the validity of Mr. Lorimer's election, alleging that new and material evidence had been produced through the investigation of the Helm committee, quoting Mr. Funk's testimony regarding his interview with Mr. Hines, as well as the testimony given before that committee in relation to an alleged conversation between Christian F. Wiehe and William M. Burgess on a railroad train; he continued his remarks on May 23 and 24, and concluded them on May 26. Among other things, Senator La Follette said:

Shortly before the final vote on this case at the last session, when the question was before the Senate of agreeing by unanimous consent to fix a time to vote, I interfered. I objected in the hope that I could, before the Senate completed its consideration and disposed of this case, submit to the Senate reasons why the case should be still further investigated.

After making such objection I made the most diligent efforts to secure facts of which I had received some intimation, in order to lay them before the Senate and induce it to defer further consideration of the case until there had been a more complete and thorough investigation.

But, sir, with all that I could do, I was not able to come before the Senate so prepared that I would feel warranted in asking that it arrest the progress of the case and reopen it.

On the same day Senator Bailey engaged in the debate, and, among other things, said:

I speak without their authority, but I am sure that I speak with absolute accuracy when I say that in view of the testimony elicited by one of its committees, and in view of the resolution adopted by the State Senate of Illinois, every Democratic Senator favors a further and a thorough inquiry into the election of Senator Lorimer. That was the mind of Democratic Senators before the Senator from Wisconsin began his

extended address, and that is the mind of Democratic Senators since he has concluded it. \* \* \*

We favor this investigation because it is alleged that new and material evidence of corruption has been found. \* \* \* It is upon this new evidence we base our votes and not upon any dissatisfaction with the former judgment of the Senate, nor upon any criticism with the work of the subcommittee which conducted the former investigation, \* \* \* and it is no fair subject of criticism against it that some of the witnesses to those transactions concealed their knowledge from that committee and afterwards imparted it to another committee or to other people.

If there were no new evidence, I would not vote to grant a new trial. \* \* \* We must some time reach the end of even a proceeding like this; and if, without the discovery of new and material evidence, the Senate of each succeeding Congress could reopen and review the judgment of the preceding Senate, we would forever be in a struggle over questions like this.

On May 26, 1911, Mr. Dillingham also took part in the debate, saying among other things:

It seems to me, in consideration of the new evidence which has been discovered by the committee of the Illinois Senate, and in view of the difficulties it has encountered in securing witnesses from other States, and especially in view of the request of that body that the case be further investigated by the Senate of the United States, that this body \* \* \* should follow the lines which the courts of law have always adopted under similar circumstances, and grant a new hearing and make further investigation.

In support of his position, Senator Dillingham called attention to the Du Pont case in 1897, reading from the report of the Committee on Privileges and Elections, of which Senator Hoar, of Massachusetts, was then chairman, as follows:

The majority of your committee now, as then, are of the opinion that this decision of the Senate was wrong; but the Senate is made by the Constitution the judge of election, qualifications, and returns of its Members, and its judgment is just as binding in law, in all constitutional vigor and potency, when it is rendered by one majority as when it is unanimous.

It is clear that the word "judge" in the Constitution was used advisedly. The Senate in the case provided for is to declare a result depending upon the application of law to existing facts, and is not to be affected in its action by the desire of its Members or by their opinion as to public policies or public interest. Its action determines great constitutional rights—the title of an individual citizen to a high office and the title of a sovereign State to be represented in the Senate by the person of its choice. We can not doubt that this declaration of the Senate is a judgment in the sense in which that word is used by judicial tribunals. We can conceive of no case which can arise in human affairs where it is more important that a judgment of any court should be respected and should stand unaffected by caprice or anything likely to excite passion or to tempt virtue. When the Senate decided the question it was sitting as a high constitutional court. In its action we think it ought to respect the principles, in giving effect to its own decision, which have been established in other judicial tribunals in like cases and which the experience of mankind has found safe and salutary.

And further:

We do not doubt that the Senate, like other courts, may review its own judgments where new evidence has been discovered, or where by reason of fraud or accident it appears that the judgment ought to be reviewed. The remedy which in other courts may be given by writs of review or error or bills of review may doubtless be given here by a simple vote reversing the first adjudication. We have no doubt that a legal doctrine involved in a former judgment of the Senate may be overruled in later cases. But there is no case known in other judicial tribunals in which a final judgment in the same case can be rescinded or reversed merely because the composition of the court has changed or because the members of the court who originally decided it have changed their minds as to the law or facts which is involved.

On May 23, 1911, Senator Martin introduced a resolution providing for a similar investigation by the Committee on Privileges and Elections, the preamble of which was as follows:

Whereas the Senate adopted a resolution June twentieth, nineteen hundred and ten, directing the Committee on Privileges and Elections to investigate the charges relating to the election of William Lorimer to the Senate of the United States; and

Whereas since the Senate voted on the report of that committee it is represented that new material testimony has been discovered in reference to such matter; and Whereas the senate of the State of Illinois, on the eighteenth of May, nineteen hundred and eleven, adopted a resolution for the reasons therein stated, requesting the Senate of the United States to institute further investigation of the election of William Lorimer to the Senate.

A large number of Senators participated in the debates, which extended from May 22 to June 7, 1911. The greater portion of the time was occupied in a discussion of the work of the former committee and the question of the personnel of the committee to be appointed to conduct the investigation proposed in the several resolutions which were then pending in the Senate. All who took part in these debates favored the reopening of the case, and almost all, if not all, based their action on the ground of newly discovered evidence. As a result of these debates, on June 7, 1911, the following resolution, introduced by Mr. Dillingham, was adopted:

*Resolved*, That a committee of the United States Senate consisting of the following members of the Committee on Privileges and Elections: Senators Dillingham, Gamble, Jones, Kenyon, Johnston, Fletcher, Kern, and Lea, be, and are hereby, authorized, empowered, and directed forthwith to investigate whether in the election of William Lorimer as a Senator of the United States from the State of Illinois there were used and employed corrupt methods and practices.

That said committee be authorized to sit during the sessions of the Senate and during any recess of the Senate or of Congress; to hold sessions at such place or places as it shall deem most convenient for the purposes of the investigation; to employ stenographers, counsel, accountants, and such other assistants as it may deem necessary; to send for persons, books, records, and papers; to administer oaths; and as early as practicable to report to the Senate the results of its investigation, including all testimony taken by it; and that the expenses of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

The committee is further and specially instructed to inquire fully into and report upon the sources and use of the alleged "jack-pot" fund, or any other fund, in its relation to and effect, if any, upon the election of William Lorimer to the Senate.

#### RESULTS OF THE INVESTIGATION.

Before taking up for examination the various lines of evidence which have a bearing upon the question submitted to the committee for its investigation, the committee desires to call attention to the fact, well known to the Senate but apparently unknown to a large proportion of the people of the United States, that the investigation is not complicated by any charges which involve Mr. Lorimer's private character, the discharge of his public duties, or any other charge upon which his expulsion from the Senate might be predicated.

The only duty which was laid upon the committee in the first investigation or which has been laid upon this committee is "To investigate whether in the election of William Lorimer as a Senator of the United States from the State of Illinois there were used and employed corrupt practices."

#### THE NEWLY DISCOVERED EVIDENCE.

The newly discovered evidence, to which reference is made in the preambles of the resolutions offered in the Senate and to which reference was made in the debates on the same, and the supposed existence of which resulted in the adoption of the resolution of the Senate under which this investigation has been conducted, all bore upon the question whether a fund of \$100,000 was raised by or through the efforts of Edward Hines and others acting with him, or by any other person

or persons, with or without his knowledge, which was corruptly used or expended in whole or in part to secure the election of William Lorimer as a Senator of the United States from the State of Illinois by the legislature of that Commonwealth on the 26th day of May, 1909.

The committee, after the most thorough investigation, during which every source of information has been probed, has failed to find any evidence that a fund of \$100,000, or of any other sum, was raised or spent by Edward Hines or by him in connection with others, or with his knowledge, or by any other person or persons, to be used in or in connection with the election of Mr. Lorimer to the Senate of the United States, or that any corrupt practices were employed in such election.

The only newly discovered evidence that can be said to refer either to the raising or the existence or to the use of such a fund is that given by Clarence S. Funk, regarding an interview had by him with Edward Hines on May 27, 1909, and that given by William M. Burgess concerning an alleged conversation with C. F. Wiehe, to which reference is hereinafter made.

The evidence given by Mr. Funk before this committee is substantially as follows:

That shortly after the election of Mr. Lorimer Mr. Hines approached him in the Union League Club, Chicago, between the hours of 1 and 2 o'clock, and said: "Hello! You are just the man I was looking for," or "that I wanted to see."

Mr. MARBLE. What did you say?

Mr. FUNK. He said: "I want to see you a moment."

Mr. MARBLE. What did you say to him?

Mr. FUNK. I probably said "Hello." I don't remember.

Mr. MARBLE. What next?

Mr. FUNK. We walked off toward the end of the room, to the nearest couch, and sat down on the couch. Do you want me to tell what happened?

Mr. MARBLE. Yes; go right ahead.

Mr. FUNK. Yes. He seemed to be feeling rather exuberant at the time, and he said: "Well, we put Lorimer over down at Springfield, but it cost us \$100,000 to do it," or "about \$100,000."

Mr. MARBLE. What else?

Mr. FUNK. Then he went on to explain that they had to act quickly when the time came and did not have any time to consult anybody. And he said: "So we put up the money. Now, we are seeing some of our friends to get the matter fixed up."

Mr. MARBLE. What else?

Mr. FUNK. I inquired, along about that time, how much he was getting from his different friends, and he said: "Well, we can only go to a few big people; but if about 10 of us would put up \$10,000 apiece we would clean it up." I asked him why he came to me, and he said: "Because you are as much interested as anybody in having the right kind of a man in Washington." I told him we would not have anything to do with the matter. He wanted to know why, and I said: "Because we are not in that kind of business." (544-545.)

Mr. Funk further testified that so far as he was aware there was no personal unfriendliness between them; that they did not shake hands at parting, and he does not know where Mr. Hines walked when he left him.

Senator LEA. Was Mr. Tilden's name mentioned in that conversation—Mr. Ed. Tilden?

Mr. FUNK. Yes, sir.

Senator LEA. Tell us about that, please.

Mr. FUNK. Well, I suppose there is no use of my protesting about bringing in his name, because I have already made my protest in the record. But I want to repeat that I dislike very much to bring in the name of a man simply on Mr. Hines's statement. Mr. Tilden's name was used before he got through his talk. He said: "Just send the money to Ed. Tilden." Assuming that we were going to send it, of course. (545, 546-549, 80-85.)

Further testifying, Mr. Funk said:

He seemed to assume that it would be worth \$10,000 to the International Harvester Co. to have the right kind of a man in the Senate from Illinois. (546.)

Senator KENYON. How early in the conversation did he mention Mr. Tilden's name?

Mr. FUNK. I think he mentioned it in connection with the contribution of \$10,000 apiece by several big people. He talked rapidly, and rather assumed that the thing was going to be done, and he mentioned Tilden's name before I had a chance to say anything. \* \* \* He said that he thought if 10 big people would contribute \$10,000 apiece that would clean the matter up. He said: "Just send the money to Ed. Tilden."

Senator JONES. You had not had any opportunity to say anything to him before that?

Mr. FUNK. No; I let him talk. He wanted to talk, and I was willing to listen until he got through.

Senator JONES. You made no answer of any kind to his suggestion that it had cost \$100,000 to put Mr. Lorimer over?

Mr. FUNK. No; I think he went right along. That is my recollection. He did not stop there. He simply stated it as a fact, and then went on with his argument.

Senator JOHNSTON. You did ask him how much he expected you to contribute?

Mr. FUNK. No; I asked him how much he was getting from his different friends, as I recall it. (546-547.)

## CONCLUSION.

The record in this case is so long that we have felt it our duty to the Senate to present at unusual length our conclusions upon it, and this is the reason for the length of the report and the delay in presenting it.

We have sought to do justice by the people, by the Senate, and by Mr. Lorimer. The people are entitled to have the election of their representatives honestly conducted; the Senate is entitled to have its honor and integrity maintained by the election of its Members without corruption; and Mr. Lorimer is entitled to have the right to his seat determined in accordance with the law and the evidence. The Senate has once solemnly and deliberately passed upon the charges made against him. Its judgment, after a full investigation and extensive argument, was in his favor, and should stand unless new and convincing evidence is produced establishing corruption in his election. This rule is more liberal toward the Senate and the people than toward Mr. Lorimer, because if the judgment had been against him he would have been bound by it, and no amount of proof showing the injustice of the decision against him would secure its reversal and his reinstatement as a member of this body.

Absolutely no new and substantial evidence has been produced or discovered on this reinvestigation showing that he was elected by corruption, and we believe that all the rules of law, judicial procedure, and justice require that the former judgment of the Senate should be held to be conclusive and final.

If the Senate should hold, however, that its former judgment can be reconsidered and vacated, we submit for its consideration our conclusions on the charges made and the testimony adduced.

It is charged that Senator Lorimer was elected corruptly. This is the issue. Is this charge true or is it false? If true he should be denied a seat in this body; if not true we should so declare. The issue is to be determined by evidence and not by prejudice or popular opinion based on biased, imperfect, and distorted reports and suggestions. We have heard the evidence under oath; we have seen the witnesses as they testified; they have been fully cross-examined; their evidence has been carefully weighed; every suggestion of possible proof has been followed; and nothing has been left undone to ascertain the truth of the charges against Mr. Lorimer.

#### NO PERSONAL GUILT.

There is absolutely no evidence in all the testimony submitted intimating, suggesting, or charging that William Lorimer was personally guilty of any corrupt practices in securing his election, or that he had any knowledge of any such corrupt practices, or that he authorized anyone to employ corrupt practices in his election.

#### NO CORRUPTION IN HIS ELECTION.

We are convinced that no vote was secured for him by bribery; that whatever money White, Beckemeyer, Link, Holstlaw, or any other person received was not paid to him or them by anyone on Mr. Lorimer's behalf or in consideration of or to secure such vote or votes for him; that neither Edward Hines nor anyone else raised or contributed to a fund to be used to secure his election; that his election was the logical result of existing political conditions in the State of Illinois, and was free from any corrupt practice, and therefore we must find, and we do find, that William Lorimer's election was not brought about or influenced by corrupt methods and practices.