

IN THE SENATE OF THE UNITED STATES.

JUNE 15, 1878.—Ordered to be printed.

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

R E P O R T :

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

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

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

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

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

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

*To the Senate of the United States :*

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

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

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

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

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

M. L. WILMOT and others.

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

The following is the resolution last referred to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The WITNESS. No, sir; nobody believes it.

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

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

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

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

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

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

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

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

Q. That man in his testimony swears as follows :

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

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

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

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

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

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

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

Q. The testimony of Mr. Styles goes on :

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

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

Q. I ask you, sir, if on any occasion you ever were in the governor's room?—A. I was not, to my recollection.

Q. I ask you, sir, if you ever came out of the governor's room with money in your hand?—A. No, sir; and any man that makes that assertion or testifies to that statement is a liar.

Senator McMILLAN. Mr. Mosier, the use of that kind of language does not add anything to the strength of your testimony.

Senator SAULSBURY (to the witness). Say it in your own language, sir. You have a perfect right to defend and vindicate your reputation here and elsewhere.

The WITNESS. Yes, sir, I have, and I will do it, too. I have a right to say what I know about this thing, and I say it is false.

(The answer of the witness was greeted by applause from a portion of the bystanders.)

The CHAIRMAN. I said a while ago that if these unseemly demonstrations were repeated I should feel it to be necessary to clear this room. Any demonstrations of applause, or otherwise, calculated either to encourage and embolden or to discourage and intimidate a witness, are evidently improper. I shall let it pass this time; but if after this second warning this thing is repeated, I shall have the room cleared. I do not want to give anybody any offense, or to put anybody out if I can help it, but such demonstrations as this are highly improper, as every man who indulges in it must know, and cannot be tolerated here.

The WITNESS. These things do not encourage me any; I shall state the facts all the same, whether they stamp their feet or not.

See also testimony of H. H. Gilfry, from which the following extract is taken:

Senator SAULSBURY. I ask you, sir, if you ever saw Mr. Mosier in Governor Grover's private office?—A. No, sir; I did not. I do not think he was in there at all during the session of the legislature.

Q. Was he ever in the governor's private office with you?—A. Mr. Mosier? No, sir; he never was.

Q. Did you ever see any money paid to Mr. Mosier?—A. I never did; no, sir.

Q. Or to any other member of the legislature?—A. I never did; not a cent, sir.

Q. On the occasion here referred to, or at any other time?—A. No, sir; never.

Q. Did you ever see Mr. Mosier with any money in his hand in your room?—A. No, sir.

Q. Or anywhere else?—A. No, sir.

Q. Did you ever come from the governor's room into your own office and find Mr. Styles in your own office?—A. No, sir; I never did.

Q. Do you pronounce that statement, then, so far as it relates to you, an unmitigated falsehood?—A. I do, emphatically. It is an unmitigated falsehood, without any foundation whatever. (Testimony, page 578.)

In relation to other matters testified to by Styles, intended to affect the character of Senator Palmer, of the State legislature, he is not only contradicted most positively by Senator Palmer, but his testimony is proven to be false, by the overwhelming testimony of from four to seven witnesses, on every important point.

Styles is also impeached by more than twenty witnesses, who swear that his character for truth was bad, and that they would not believe him on oath.

Nothing but the importance which was attached to the statements of this man Styles by those who originated and prosecuted the charges against Senator Grover could have justified so extended a notice of his testimony; but it would be improper to dismiss the statements of this witness without saying that for his perjury in this investigation he was indicted in the United States district court in Oregon, and tried before a jury largely composed of Republicans, eleven of whom were in favor of conviction to one opposed; and, on a second trial, he again escaped because of a divided jury. At this last trial, the most important witness to prove the guilt of the accused was necessarily absent, attending to his public duties in Washington.

It will be observed, from an examination of the testimony, that the theory of those who sought to impeach the regularity of the election of

Senator Grover was that the money used in the alleged bribery of members of the legislature was furnished by the Hon. Joseph S. Smith, formerly a member of Congress, and Hon. B. Goldsmith, formerly mayor of the city of Portland. Mr. Smith came before the subcommittee and swore that he never, directly or indirectly, furnished any money to influence the vote of any member of the legislature on the Senatorial or any other question; that he was in Salem but once, and only for a short time, during the Senatorial contest, and then only to prevent the use of his own name for the position, which he had been informed might be done; and that he did not while there speak to any member of the general assembly on the subject of electing a Senator.

Mr. Goldsmith was, during the investigation, in the city of New York, with on one of his children, whom he had taken there for the purpose of having a difficult operation performed, and was consequently not before the committee, but telegraphed to the chairman his willingness to appear at any time and place convenient to the committee, and testify touching his alleged complicity with the corruption of members of the legislature, and subsequently sent an affidavit denying emphatically having furnished one dollar for the purpose of affecting the action of any member of the legislature upon the Senatorial question. Independently of the statements of Mr. Goldsmith himself, it was abundantly proved that he took but very little part in the contest, and was present in Salem only to procure legislation affecting his own interest, and for that reason was careful not to become mixed up with the Senatorial question, which might prejudice his own business before the legislature. Besides, it was conclusively shown that Mr. Goldsmith's financial condition was at the time such that he could not, if he had desired, advance money for so improper a purpose.

The only members of the legislature who voted for Senator Grover against whom the least whisper of suspicion was heard in the undefined rumors circulated by party malignity or inspired by the chagrin of disappointed hope were Mr. Goodman, of Umatilla County; Mr. Straight, of Clackamas County; Messrs. Mosier and Butler, of Wasco County; Senator Palmer, of Benton and Polk Counties; and R. W. Wilson, deceased, a representative from Clatsop and Tillamook Counties.

Whatever suspicions were indulged at any time in reference to Goodman, Straight, Butler, and Palmer, except so far as Mr. Goodman was charged by Styles, had their only foundation in the fact that they were known to be in favor of another gentleman for Senator, and some of them did not recognize the binding obligation of a caucus nomination, and therefore did not take part in the caucus, and voted in the separate houses and in joint convention several times for their first choice for Senator, and until they became satisfied that he could not be elected, when they cast their votes for Senator Grover.

All of those gentlemen are men of character and standing in their respective counties, and testified before the subcommittee denying most positively that they had been influenced in voting for Governor Grover by any corrupt or other improper consideration, and explained fully their entire course upon the Senatorial question. Neither of them had aught against Senator Grover, who, they declared, was from the first their second choice. Their testimony is full upon this point, and the undersigned refers to it with full confidence that it will satisfy every one, who will take the trouble to read it, of the candor and honesty of the witnesses, not only in testifying before the subcommittee, but in their entire action upon the Senatorial question.

With reference to Mr. Mosier, his indiscreet conversation while intoxi-

cated gave rise to suspicions that he desired to procure money for his vote for Senator, and the man Styles was doubtless instigated thereby to charge him with having received money from Governor Grover, as already stated. The testimony of Mr. Mosier in reply to the statements of Styles has already been given. In his testimony he further stated that his only object in the conversations cited against him was to ascertain the truth of rumors to the effect that money was being used to defeat the election of Senator Grover, and that he neither received nor desired to receive one cent for his vote on the Senatorial question. The testimony shows that he voted in caucus and on every vote but one in the separate houses and in joint convention of the two houses for Senator Grover, and that he withdrew his support from Grover on one vote because he was informed that the Senator was opposed to certain local improvements in which the people of his county were interested, and upon being assured that he had been misinformed upon that point he again voted steadily for Governor Grover, who was his first choice. He was shown to be a reputable and honest man by persons who had known him for a long time, and to be in good circumstances and under no necessity to obtain money in any improper way. The undersigned does not believe that Mr. Mosier was either given or promised pecuniary or other reward for his support of Senator Grover and that whatever suspicions were entertained against his integrity were traceable to his own indiscreet conduct while in a state of inebriety.

The only other member whose character was assailed by suspicions detailed before the subcommittee was R. W. Wilson, deceased. Mr. Wilson, being dead, could not personally vindicate his character before the subcommittee; but every ground alleged for the suspicions entertained by any one against him was fully met, and shown to be without foundation.

He was shown by the testimony of Governor Chadwick, and other gentlemen who knew him well, to be a man of sterling integrity and character, and, in the opinion of the undersigned, based upon the testimony before the subcommittee, not the slightest justification existed for the attempted defamation of his fair name while living or his memory now that he is no more. He had always been a Democrat of the strictest sect, adhering to the usages of the party and supporting its candidates, whether made in convention or in caucus, and but followed out the rule of his life and the will of his constituents in supporting Governor Grover after he was nominated in caucus, although his personal predilections were in favor of another.

An attempt was made by a Republican by the name of Brown, an employee about the custom-house in Portland, to induce him by an offer of fifteen hundred dollars to vote against Grover. Mr. Wilson communicated this insult to friends and took legal advice with a view of prosecuting Brown criminally for his offense. Brown testified before the committee to his own infamy and guilt, but failed to inculpate Wilson in his crime or cast a stain upon his untarnished memory. In the opinion of the undersigned, no more unjustifiable attempt or more signal failure was ever made to blast the reputation of a worthy man.

A careful examination of the testimony taken before the subcommittee, it is confidently believed, will satisfy any unbiased mind that the story of bribery and corruption in the election of Senator Grover was unwarranted by any fact or circumstance worthy of a moment's consideration. Even the most uncharitable political opponent will find in that testimony not only ample refutation of the slanderous rumors circulated to the prejudice of Senator Grover and the members of the

legislature who supported him, but abundant proof that his election to the Senate was free from every taint, and honorable alike to him and the legislature of Oregon.

It will be observed that the memorials hereinbefore set out, referred to the Committee on Privileges and Elections, do not charge Senator Grover directly with procuring his election to the Senate by corrupt means, but simply state that "it is currently reported and generally believed" that such was the fact, and ask that he be denied a seat in the Senate until these charges are investigated. The undersigned cannot withhold the expression of his conviction that great injustice was done to Senator Grover by the consideration given in the Senate to these loose and undefined charges, if charges they can be called. They were made the basis of an objection to his right to a seat in the Senate, which was not withdrawn until it had been announced on the floor of the Senate that he would ask an investigation.

It is the first time in the history of the Senate when charges so vague and indefinite against a member-elect have received the least consideration, and it is to be hoped that it will not hereafter be regarded as a precedent to excuse injustice to others entitled to seats in this body. The testimony will show that these memorials were distributed from the custom-house in Portland (where they were proved to have been first seen) through the mails to Republican postmasters for the purpose of procuring signatures; and the man Brown, already referred to, employed in some subordinate position about that building, testified that he went into different counties with these petitions for that purpose. With the exception of this man Brown, no satisfactory proof could be obtained as to who were the guilty parties; but in the opinion of the undersigned, drawn from all the facts and circumstances proved in this investigation, the charges against Senator Grover contained in these memorials originated in a conspiracy to deprive him, by perjury and subornation of perjury, of a seat in the Senate, to which he had been fairly elected by the legislature of Oregon.

ELI SAULSBURY.