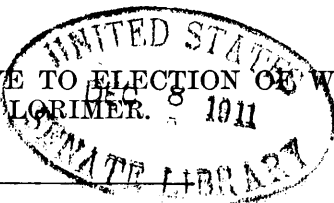


CHARGES RELATIVE TO ELECTION OF WILLIAM
LORIMER.



DECEMBER 21, 1910.—Ordered to be printed.

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

REPORT.

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

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

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

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

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

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

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

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

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

VOTES REQUIRED TO ELECT.

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

BRIBERY.

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

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

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

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

Mr. AUSTRIAN. I expect to prove—

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

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

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

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

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

Mr. AUSTRIAN. I know of no one.

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

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

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

Mr. AUSTRIAN. I should say not.

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

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

IN THE SENATE OF THE UNITED STATES.

MAY 28, 1910.

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

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

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

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

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

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

CHARLES A. WHITE.

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

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

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

HON. WM. H. LORIMER,

Washington, D. C.

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

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

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

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

I am, respectfully, yours,

CHAS. A. WHITE.

(Record, p. 125.)

To this communication Senator Lorimer replied as follows:

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

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

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

With kindest personal regards, I am,

Very truly yours,

WILLIAM LORIMER.

(Record, p. 164.)

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

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

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

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

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

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

(Record, p. 126.)

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

[Exhibit 5.]

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

TO CHARLES A. WHITE:

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

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

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

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

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

J. KEELEY,
Vice-President Tribune Company.

CHICAGO, ILL., *April —, 1910.*

TO THE CHICAGO TRIBUNE, AND THE TRIBUNE COMPANY.

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

CHAS. A. WHITE.

(Record, p. 104.)

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

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

MICHAEL LINK.

According to the testimony of this witness, he was paid the sum of \$1,000 by Lee O'Neil Browne some time after Mr. Lorimer had been elected to the Senate. He further testified that no money was paid or promised him before he voted for Mr. Lorimer; that he made up his mind as early as in the month of March, 1909, to vote for Mr. Lorimer if an opportunity for so doing should occur, and promised Mr. Lorimer his vote some time in advance of the election of a Senator. When accused of having received money for voting for Mr. Lorimer he denied it. When summoned before a grand jury he stated under oath that he had not received any money as a consideration for his vote for Senator. Following this statement he was compelled, by means fully set forth in his testimony, to retract his former statement and testify to having received money for his vote for Mr. Lorimer, as shown by the following:

Cross-examination by Judge HANEY:

Q. You are a farmer, I believe, are you?—A. Yes, sir.

Q. And have been all your manhood life?—A. All my life; born on a farm.

Q. You have lived in Madison County for how long?—A. Twenty-three years.

Q. You live out some distance from—A. (Interrupting.) A mile from Mitchell, a little station.

Q. When were you first elected to the legislature?—A. In November, 1906.

Q. Is it not a fact that everybody from the southern part of Illinois, Republicans and Democrats, who desire to meet each other at any place generally go to St. Louis?—A. Yes, sir; from time to time men for years have met members of the legislature there.

Q. Was it very much easier to go to St. Louis than to any other town that has any hotel accommodations south of the central part of Illinois?—A. Yes, sir.

Q. It is very much easier to go there than from any other part of southern or central Illinois than it is to go to Chicago, isn't it—very much easier to go to St. Louis?—A. Yes, sir.

Q. It is practically a uniform practice, is it not?—A. Yes, sir.

Q. When anybody, for political or other reasons, want two or three to get together for any purpose, they meet at St. Louis?—A. Yes, sir.

Q. That has been the case for a great many years?—A. Yes, sir.

Q. Did Tierney and White talk with you or come down there more than once?—A. Not White; Tierney was there the second time, and I pretty nearly forgot the incident, when I met him somewhere about Mitchell, about the station. I went in for my mail, or, perhaps, to buy something.

Q. Did he try to get some information from you or try to get some admissions from you?—A. He certainly did.

Q. Did he tell you that he was a detective connected with the Maguire and White Detective Agency, detectives for the Chicago Tribune?—A. No; he said he represented Gov. Deneen.

Q. You were then summoned or told to come up here?—A. Yes, sir; by subpoena.

Q. And you did come up?—A. I certainly came up.

Q. When you came up where did you go?—A. I went to the Morrison Hotel.

Q. Then did you go to the state's attorney's office?—A. Yes, sir.

Q. When you went to the state's attorney's office did you see Mr. Wayman, the state's attorney, or Mr. Arnold, or Mr. Marshall?—A. Mr. Arnold and Mr. Marshall, I think; I did not see Mr. Wayman.

Q. Which one did you see?—A. I think it was Mr. Marshall, I am not positive; I rather think it was.

Q. It was one of the assistant state's attorneys?—A. Yes, sir; one of the assistant state's attorneys.

Q. Tell the conversation, the language used by each as nearly as possible, and if you can not do that, give the substance as nearly as you can.—A. Well, I had a conversation with Mr. Marshall something like this: He says to me, "If I were you I would not be here telling damned lies before this grand jury;

I would tell the truth.' Then I told him he would not tell me that outside very well or we might mix.

Q. Had you been before the grand jury then?—A. I think I had; yes, sir.

Q. What I want to do is to commence before—just before you were taken to the grand-jury room, and I would like to have you—A. (Interrupting.) I didn't have any particular conversation to my recollection with any one of the assistant State's attorneys.

Q. You went there, you don't remember how, and was taken before the grand jury?—A. Yes, sir; when my turn came.

Q. They asked you there in relation to your voting for Senator Lorimer for United States Senator?—A. I was in the grand-jury room; yes, sir.

Q. That is what I wanted to know.—A. Yes, sir.

Q. You were examined by whom?—A. By Mr. Wayman.

Q. By Mr. Wayman himself?—A. By Mr. Wayman himself; yes, sir.

Q. What did he ask in relation to that subject? I don't care about anything else.—A. He asked me if I voted for Senator Lorimer, and I told him yes. According to my recollection I told him, "Certainly, I voted for Senator Lorimer and was proud of it; no excuses to make."

Q. What took place then? Did he ask you if you had been paid anything for voting for Senator Lorimer?—A. Yes, sir.

Q. What did you tell him?—A. I absolutely denied it.

Q. You didn't tell this to Mr. Wayman individually, but in answering his question to the whole grand jury?—A. Yes, sir.

Q. All the conversation you had with Mr. Wayman in the grand jury room was public conversation before the grand jury?—A. That is all at that time. I had some conversation—at that time—yes, sir—at that time.

Senator BURROWS. State what you said before the grand jury.—A. Well, I answered questions, but I disremember what all the questions he asked me were.

Senator BURROWS. State those you can remember and your replies.—A. I denied receiving any money for voting for Senator Lorimer.

By Judge HANEY:

Q. Then did you leave the grand jury room?—A. Yes, sir.

Q. After those different questions were asked you?—A. Yes, sir; at that time I did.

Q. Do you remember what day of the week or day of the month that was you first went before the grand jury?—A. That was the 5th or 7th of May; it was right along there, the early days of May.

Q. May of this year?—A. Yes, sir; May of this year.

Q. When you left the grand jury room were you put in the custody of an officer?—A. I certainly was.

Q. Were you indicted at that time or was there any complaint or charge made against you at any place?—A. No, sir.

Q. Who put you in charge of an officer?—A. Well, I presume Mr. Wayman did. To my knowledge I was in charge directly of an officer.

Q. Who was the officer?—A. Well, there were two or three different officers.

Q. The first one?—A. I disremember his name. Mr. O'Keefe was with me most of the time.

Q. Was it Oake?—A. I think that is his name.

Q. He was the first officer?—A. Yes, sir.

Q. He was a police officer, a detective appointed to the State's attorney's office at that time?—A. Yes; I understood so.

Q. Did he take charge of you at that time?—A. Certainly.

Q. How long did you remain in his custody?—A. I disremember.

Q. About?—A. The first night I think I went to dinner with him—the first night, I believe; that would be on Wednesday night of the week; and I remained in his custody and he kept his eye on me like I was a criminal. Oake would not allow me to telephone to friends, and was keeping his eye on me, and I was not allowed to discuss any matters at all.

Q. Was he armed at the time, and did he take out his revolver and his billie and put them on the table in the hotel, so you could see them?—A. He did not, but other detectives did; I suppose he was armed, but I don't know to my knowledge.

Q. Other officers did?—A. Other officers did.

Q. Were you continuously in the charge of some officer of the State's attorney's office, after that time?—A. I certainly was.

Q. Up to what time?—A. Until I was permitted to go home on Saturday morning.

Q. What day?—A. It was the week I was here; I disremember—it was from the 5th, 6th, 7th, 8th, or 9th, or something of that kind, of May.

Senator BURROWS. It was Saturday morning of that week?—A. Yes, sir.

Q. You came up here what day of the week?—A. I came here Tuesday evening.

By Judge HANEY:

Q. You went before the State's attorney—went before the grand jury Wednesday morning, did you?—A. I believe so.

Q. When you went back home again, did an officer go with you?—A. Not at that time.

Q. Did an officer from the State's attorney's office come down and get you afterwards?—A. Yes, sir.

Q. When, after that Saturday morning that you went home?—A. That was the—well—I wish to correct that. I got a subpoena served to me to go to Springfield on my return home Saturday evening of this week. I went to Springfield from this subpoena and acknowledged it, and a detective went home with me from Springfield and stayed with me.

Q. That was a subpoena to appear before the grand jury at Springfield?—A. Yes, sir.

Q. When was that?—A. That was the week following I was here.

Q. Was it the first of the week or the middle of the week or the last?—A. Well, I think it was on Monday following the Saturday I left Chicago.

Q. When did you leave Springfield to go home? You got there Monday?—A. That evening.

Q. Monday evening?—A. Yes, sir.

Q. Did an officer from the State's attorney's office of Cook County go with you back home from Springfield on Monday evening?—A. Yes, sir.

Q. Did he take you into custody?—A. Well, I was not arrested.

Q. Did he stay with you there all the time?—A. He went to my house, but went to St. Louis, I believe, one day while at my house in the country; but he went home with me and stayed with me, but, of course, he went to St. Louis during one day.

Q. He was with you wherever you went?—A. Yes, sir.

Senator PAYNTER. Was that officer from Chicago or Springfield?—A. Chicago.

Senator GAMBLE. How long was he with you?—A. Four days.

Q. At your home?—A. Until I insisted upon having him called off.

Q. Did he stay at your home?—A. Yes, sir.

By Judge HANEY:

Q. All the time?—A. Yes, sir.

Q. Except when you went out, and then he went with you?—A. He went to St. Louis during that time by himself.

Q. How far are you from St. Louis, about?—A. About 15 miles.

Q. You can go there by electric line?—A. Yes, sir; and get back in two or three hours, at any time.

Q. Then did another officer—I will withdraw that—did the State's attorney of Sangamon County, Springfield, send any officer with you after you had been examined there before the grand jury?—A. No, sir.

Q. He never had you in custody?—A. No, sir; they don't use those methods.

Q. When the officer left Springfield—the officer from the State's attorney's office in Cook County left with you to go to your home from Springfield—did he have any warrant against you?—A. No, sir.

Senator GAMBLE. Was there any warrant for your arrest?—A. No, sir.

Senator GAMBLE. Or a subpoena served on you?—A. A subpoena to appear at Springfield.

By Judge HANEY:

Q. After you left Springfield and went back home was there any subpoena or warrant against you?—A. No, sir.

Q. What was that officer's name?—A. That was O'Keefe that called for me.

Senator JOHNSTON. What did the officer say he accompanied you from Springfield for?—A. He claimed it was for my own protection. I told him positively that I needed no protection; that I could protect myself.

Q. Did he insist upon staying at your house?—A. He was under orders from a gentleman in Chicago.

Q. Who was the next officer who had charge of you?—A. Well, I think after that time I was under the direction of O'Keefe until I read what is called the "riot act" to Wayman.

Q. When was that?—A. That was about a week before the first Browne trial, when I told Wayman no more detectives for me. "If you have got a warrant, arrest me; if I am guilty of anything, arrest me; but no more detectives; I shall not submit to detectives any longer." That was my conversation.

Q. Did O'Keefe then go to Chicago with you and stay with you at the different hotels or wherever you were kept?—A. He did until a week before the Browne trial; then no more detectives after that for me.

Q. He did stay here until that time?—A. Yes, sir.

Q. The first trial of Browne commenced about the 7th to the 10th of June; that is right, isn't it?—A. Yes, sir; I think so.

Q. Now, after you were before this grand jury, the first grand jury, and told Mr. Wayman, the State's attorney, and the grand jury that you never got any money from anybody, Browne or anybody else, for voting for Lorimer for United States Senator, were you indicted?—A. I was indicted for perjury either the second or third day I was here—I am not positive which—after my denial.

Q. Was it the second or third day after you first went before the grand jury?—A. It was either the second or third day, I guess the second. I am not positive whether the second or third day.

Q. You were indicted for perjury?—A. Yes, sir.

Q. By the same grand jury you had been before?—A. Yes, sir.

Q. After you were indicted for perjury were you taken by the State's attorney or any of his assistants and talked with about your testimony and about your indictment?—A. I guess I was.

Q. Now, what was the first thing that was done after you were indicted for perjury by him?—A. They kept flaunting the indictment for perjury against me.

Q. Doing what?—A. Putting it in front of my face, showing it to me and speaking to me.

Senator GAMBLE. Who did that?—A. The assistant State's attorney and the State's attorney himself.

Q. Tell the names of the assistant State's attorneys.—A. Mr. Marshall.

Q. Did State's Attorney Wayman do that, too?—A. He didn't throw it in my face; he would show it to me and talk to me about losing my home, putting my home on one side and the penitentiary on the other.

Q. State to this honorable committee what State's Attorney Wayman told you about the indictment for perjury.—A. He told me if I would go before the grand jury and state that I had received some money from Browne and Robert E. Wilson that I would be cleared and go home a free man. That is what he told me.

Senator BURROWS. Anything else said?—A. Well, I told him that I had told him all I knew, and he denied that I had. We kept up the conversation, and he said he was a farmer himself in his early days South. I told him I was a farmer, and he told me, he says: "You come up here"—the conversation drifted along this line—"and let these Chicago lawyers get a hold of you and they will take your farm away from you." That was the line of talk; and he told me to rest over that night—that was Friday evening—and to come in by 10 o'clock on Saturday morning and make a confession, and he would have the perjury charge expunged from the record, and I would go home a free man. That was the sum and substance of the conversation.

Q. They had more than an hour to talk to you about that?—A. Yes, sir; something of that kind.

Q. What time of day was that conversation; what time did it end?—A. It was somewhere between 5.20 and 6.30; it was 6.30 when I left the Criminal Court Building that evening.

Q. Then were you put in the custody of an officer when you left the State's attorney?—A. Yes, sir.

Q. Who was that officer?—A. That was Mr. O'Keefe.

Q. What did he do with you?—A. He took me back to the Morrison Hotel.

Q. Did he stay there with you?—A. Yes, sir.

Q. All the time?—A. Yes, sir.

Q. Was it he that took his revolver billie out and put it on the table in your presence?—A. Yes, sir.

Q. Did he talk with you about what the State's attorney talked to you about—about your going back and telling what the State's attorney wanted you to tell?—A. Yes, sir.

Q. What did Detective O'Keefe from the State's attorney's office say to you in that respect?—A. He said: "Link, I would not stand by the other fellows, I would stand by Wayman, he is the man to stand by in this matter; make a

confession. I don't like to see you get into trouble and you are going to get into trouble."

Q. Mr. Link, how long during this conversation between you and O'Keefe, how long did O'Keefe talk to you?—A. Off and on, but I disremember the number of times; it was not continuous, of course, but off and on during the time he was with me.

Q. Off and on between the times you and the State's attorney had the talk and he took you back there?—A. Prior to that night, too.

Q. All the time you were in his custody?—A. Yes, sir.

Q. Now, did Officer O'Keefe take you back to the State's attorney's office the next morning?—A. Yes, sir.

Q. That would be Saturday morning?—A. Yes, sir.

Q. Did you talk with, or did Thomas Maguire, of the Maguire & White Detective Agency, talk with you?—A. Yes, sir; he was present nearly every time I met Wayman, and Wayman and myself were in Wayman's room.

Q. What did Maguire say to you?—A. He tried to put words in my mouth several times.

Q. Words about what?—A. He said I should not be friendly to the Browne side, and the Lorimer side, and so forth; "It doesn't look well, Link; that don't look well." I told him it was none of his business; I would take up for my friends wherever I saw fit to take them.

Q. Did Thomas Maguire, the detective, say this to you—that you had better tell what you knew or you would go to the penitentiary; did Maguire say that to you?—A. I rather think one of the assistant State's attorneys told me that; I don't know whether Maguire said that to me or not, but his conversation ran on that line. I think that was Arnold; 20 minutes before 5 o'clock that evening of that week.

Q. What was that conversation you had with Assistant State's Attorney Arnold in which he said that to you?—A. Mr. Arnold came to me and says, "Link, you have got just 20 minutes to save your life." I says, "What do you mean?" He says, "You have got just 20 minutes to go in and tell all you know to save your life." I says, "I have told all I know." He says, "All right, Link, it is your funeral; it is not mine." He goes into the grand jury room and an indictment was returned that evening. I told him I had told all I knew.

Senator PAYNTER. An indictment against you?—A. Yes, sir; for perjury.

Q. Arnold said that you—A. He said I had 20 minutes to save my life.

Q. That was just before—A. (Interrupting.) Twenty minutes before the grand jury adjourned at 5 o'clock, Friday afternoon or evening.

Q. Were you told that night that you were in the custody of an officer of the State's attorney and that you had been indicted for perjury?—A. Yes, sir.

Q. Who told you that? Was it a detective or one of the assistant State's attorneys?—A. It was, I think, Mr. Wayman himself that told me that.

Q. Mr. Wayman himself told you that?—A. I think so.

Q. Did Mr. Arnold say to you in that conversation that you have been referring to, just before you were indicted for perjury, that if you didn't tell what they wanted you to that they would send you to the penitentiary?—A. That it was my funeral; yes, sir.

Q. Did he use the word "penitentiary"—that he would send you to the penitentiary?—A. I am not quite certain; I am not positive; but he used that kind of terms to me.

Q. Did he lay special stress upon the word "penitentiary" in talking to you?—A. Mr. Wayman laid more stress on that than any of his assistants.

Q. That is, that he would send you to the penitentiary?—A. He pictured it very, very strenuously between the penitentiary and my home.

Senator BURROWS. Will you state what he said?—A. He said, "It will be much better for you to be here with your family than to go to the penitentiary and lose your home." He pictured what the penitentiary was, and so forth.

Senator BURROWS. What did he say?—A. That I might lose my home, and he put a great deal of stress on the penitentiary and my home—I being a farmer away from my home and my family.

Q. Did Mr. Wayman say anything in picturing the penitentiary on one side and your home on the other about your wife?—A. Why, certainly.

Q. Tell the committee what he said.—A. Well, that I would lose my home, and that meant I would lose my wife, too.

Q. Did he say what would be done if you would go before the grand jury and tell what he wanted you to?—A. That I could go home a free man and not a perjurer in any manner, shape, or form.

Senator BURROWS. If what?—A. If I went before the grand jury and made an acknowledgment.

Senator BURROWS. An acknowledgment of what?—A. If I had received \$1,000 from Browne.

Senator FRAZIER. Was that true that you had received \$1,000?—A. I shall not deny it; it is true.

Q. Did not the State's attorney say to you that if you would go on and say that you had received \$1,000 from Browne for voting for William Lorimer for United States Senator that you could go home?—A. Yes, sir.

Q. That was not true?—A. That was not true; no, sir.

Q. Did Mr. Wayman tell you that you had been indicted and that he would take you before the criminal court for trial on that indictment if you didn't go before the grand jury and tell that body what Mr. Wayman wanted you to tell?—A. Why, certainly; he said I would have to give a bond, and it was a \$15,000 bond, and they made it \$5,000, I think.

Q. Did Mr. Wayman tell you what he would do if you would go before the grand jury and tell them what he wanted you to tell them? Did he tell you what he would do with the indictment?—A. Nolle pros it and have it expunged from the record, so in future years it would not be on the record.

Q. Did you say to Mr. Wayman, "Well, I will go before the grand jury and lie if I have to; but I don't want to;" did you say that or that in substance?—A. That in substance.

Q. What did you tell the grand jury, then?—A. I told the grand jury that I had received \$1,000 from Browne and that I had received \$900 through Robert Wilson; that is what I told the grand jury.

Q. Did you tell the grand jury that you had received that money or any part of it for voting for Senator Lorimer for United States Senator?—A. Positively no.

Q. Just before you went before the grand jury that last time did Mr. Wayman tell you that if you would go and tell the grand jury what he wanted you to you would keep out of trouble and keep from disgracing your family?—A. Yes, sir.

Q. After you went before the grand jury with Mr. Wayman the last time and told the grand jury what Mr. Wayman asked you to, what, if anything, did Mr. Wayman or his office do in relation to the indictment against you for perjury?—A. Well, he took me before Judge McSurely, I think it was, and said: "Mr. Link has made a clean breast of the whole affair." I didn't know what he called a "clean breast," but those were his words. I denied making a clean breast of anything except the truth.

Q. Did Mr. Wayman have the indictment against you quashed?—A. Yes, sir.

Q. He took you before Judge McSurely and asked to have it done, and Judge McSurely did it?—A. Yes, sir.

Q. Did you still continue in the custody of the officer?—A. No, sir; he allowed me to go home.

Q. Did he put you in the custody of an officer after that time?—A. Certainly.

Q. When?—A. The following week.

Q. That was Saturday that he dismissed the indictment against you?—A. Yes, sir.

Q. When, the next week, were you put in the custody of another officer?—A. Monday night or Tuesday night—I think it was Monday night of the following week. A subpoena was served on me to go to Springfield, and immediately on my return home on that Saturday evening—I returned home about 6.30; that is my home town; I didn't get home quite that early.

Q. Did that officer or some other officer from the state's attorney's office keep you in custody all the time—until about the time of the first Browne trial?—

A. I wrote a letter to Mr. Wayman that I would not submit to it and told him personally when I came to Chicago no more detectives for me; that I would not play hide and go seek any longer; that I was not a criminal, and that I would not stand for it. I wrote him such a letter from my home, and told him to recall Mr. O'Keefe, which he did.

Q. When was that?—A. After he was with me; I think about four days there.

Q. Do you remember what day of the month that was, or what month?—A. No, sir; it was during the month of May.

Q. When was it with respect to the commencement of the first Browne trial?—
A. It was some little time before the commencement of the trial.

Q. About how long?—A. About three or four weeks; perhaps three weeks or something; I don't know. I told him positively that I would not submit to it, and when I saw Mr. Wayman, a week before the first Browne trial, I told him that personally.

Q. What I want to know is, if you were put into the custody of an officer from the State's attorney's office after you were indicted for perjury and that indictment for perjury had been dismissed?—A. Yes, sir.

Q. You were still kept in the custody of an officer?—A. Yes, sir.

Q. Was there any charge against you of any kind that you know of?—A. None whatever.

Q. After that indictment for perjury had been dismissed?—A. Well, by Mr. Wayman's advice I refused to answer questions at Springfield. I had to go to Springfield two or three times, and at his advice refused to answer the questions.

Q. Were you summoned before the grand jury in Springfield as a witness?—
A. Yes, sir.

Q. Did Mr. Wayman know that you had been summoned as a witness there?—
A. Yes, sir.

Q. Did he talk with you about whether you should go before the grand jury in response to the subpoena of the court?—A. Not as to whether I should go, but as to whether I should answer certain questions or not.

Q. Did he tell you whether or not you should answer questions that might be asked you?—A. Yes, sir.

Q. By the grand jury or the State's attorney of Sangamon County?—A. Yes, sir.

Q. What did he tell you?—A. He told me not to answer, but to stand on the ground that I might incriminate myself by answering any questions before the grand jury.

Q. Did you tell Mr. Wayman that you were not afraid of incriminating yourself?—A. Certainly; I told him I wanted to answer the questions my way that were put to me there.

Q. What did he say to you?—A. "Don't do it, Link; don't do it."

Q. Did he know that the State's attorney and the grand jury of Sangamon County had summoned you before the grand jury to testify in relation to these matters?—A. Yes, sir.

Q. What did he tell you as to the subject-matter? Did he tell you not to answer the questions of the State's attorney or the grand jury of Sangamon County?—
A. If the senatorial committee please, the question all hinged upon one answer, "No" or "Yes," to one certain question, and that question was, "Did you receive or were you offered or do you know of anybody being offered any money in Springfield for voting on any question?" That was the question, and when I finally got permission from Mr. Wayman, which I answered positively, right straight out, "No." I answered, "No." That is all there was about that. He wouldn't let me answer the question at all.

Q. Did you have a conversation in the criminal court building about a week prior to the trial of Lee O'Neill Browne with H. J. C. Beckemeyer, in the criminal court building about a week before the first Browne trial began?—
A. Yes, sir; it was just about a week before—a week prior.

Q. Did Beckemeyer say to you, "Our testimony will be alike, word for word?" And did you say, "No, Beck, I have got the best of you; I promised to vote for Lorimer eight or ten days before Browne spoke to me about it"?—
A. That conversation took place.

Q. As I read it?—A. Yes, sir.

Q. Did Beckemeyer say to you, "Yes; you have the best of me in that"? Then did you say to Beckemeyer: "Beck, I don't believe that Lorimer ever put up a dollar for his election, or that anybody else ever put up a dollar for him"? And did Beckemeyer say, "I don't believe he did, either"?—A. That was the conversation, word for word, as near as I can remember it.

Q. Did you ever receive any money or any other thing of value from anybody—Browne, Wilson, or anybody else—on condition, or on the promise or agreement or understanding, directly or indirectly, that you were to vote for William Lorimer for United States Senator?—A. I certainly did not.

Senator GAMBLE. Or after he had voted for Lorimer.

Q. Did you ever receive any money from Lee O'Neil Browne, Bob Wilson, or
R. E. Wilson, whatever his name is, or anybody else, or from any source what-

ever, or did you receive any other thing of value at any time from anybody because you had voted for William Lorimer for United States Senator?—A. No, sir.

Q. Was there ever any consideration moving to you, or to anybody for you, or for your benefit, in any place, from any source whatever, with the understanding that you were to vote for William Lorimer for United States Senator, or if you had voted for William Lorimer for United States Senator, any consideration of any kind?—A. None whatever.

Q. Did you vote for William Lorimer for United States Senator for any other reason than that you liked him, and that you favored and that your people favored the things he favored in relation to the deep waterway from the Lakes to the Gulf?—A. That is why I voted for him.

H. J. BECKEMEYER.

This witness also testified before the subcommittee that he had received money from Lee O'Neil Browne as a reward for his vote for Senator Lorimer, but he also testifies that no money or other compensation was promised him before he voted for Mr. Lorimer. His experience before the grand jury was similar to that of the witness Michael Link, and as against his declaration last made before the grand jury and repeated to the subcommittee we have his statement to Michael Link denying the use of money in the senatorial election, and also to Robert E. Wilson that he did not get any money for voting for Mr. Lorimer, and if anyone said so he was a liar.

D. W. HOLSTLAW.

This witness testified that in a conversation with Senator Broderick he told Broderick that he intended to vote for Mr. Lorimer for Senator, to which Broderick replied, "Well, there is \$2,500 for you," and that sometime afterwards Broderick paid him \$2,500. This witness was also driven to making this statement by certain proceedings taken before a grand jury of Sangamon County, Ill., and in many respects the story told by this witness seemed to the subcommittee to be a highly improbable one.

The circumstances before referred to and many others which might be instanced, tended to render the testimony of each and all the witnesses who have been named, of doubtful value. And in each case in which it was claimed that some member of the Illinois General Assembly had been bribed to vote for Mr. Lorimer, the accusation was positively denied by the person accused of committing the alleged act of bribery. And after a careful examination and consideration of all the evidence submitted, the committee are of the opinion that even if it should be conceded that the four members of the Illinois General Assembly before referred to received money in consideration for their votes for Mr. Lorimer, there are no facts or circumstances from which it could be found or legally inferred that any other member or members of the said general assembly were bribed to vote for Mr. Lorimer.

The majority for Senator Lorimer in the joint assembly of the two houses of the General Assembly of the State of Illinois was 14. Unless, therefore, a sufficient number of these votes were obtained by corrupt means to deprive him of this majority, Mr. Lorimer has a good title to the seat he occupies in the Senate. If it were admitted

that four of the members of the general assembly who voted for Mr. Lorimer were bribed to do so, he still had a majority of the votes cast in the general assembly, and his election was valid.

CASE OF BROWNE, BRODERICK, AND WILSON.

It is, however, declared that if the four witnesses before named were bribed to vote for Mr. Lorimer, those who bribed them were equally guilty and that the votes of Browne, Broderick, and Wilson should also be excluded. But the committee can find no warrant in the testimony for believing that either one of said legislators was moved by any corrupt influence. Browne's reasons for voting as he did are clearly set forth in his testimony. He was the leader of a faction of the minority of the house, and for certain political reasons he thought it good policy to aid in the election of some member of the majority party other than those who had received a considerable number of votes in the general assembly.

The suggestion that his vote and the votes of others whom he might be able to influence should be given to Mr. Lorimer was first made to him by the speaker of the Illinois House of Representatives, and there is no suggestion in the testimony that Mr. Shurtleff, in thus attempting to bring about Mr. Lorimer's election, was actuated by any improper motive. And the fact that many members of the minority party in the Illinois General Assembly voted for Mr. Lorimer creates no well-grounded suspicion that they were bribed to do so. It is not the first instance in the history of this country in which the members of the minority party of the legislature of a State have joined a few of the members of the party in the majority in electing a Senator from the ranks of the majority party. As to Senator Broderick, there is no testimony that he was bribed to vote for Mr. Lorimer. He not only emphatically denies that he received any money for his vote, but gives his reasons for voting as he did.

Nor is there any evidence in the record from which a legal inference could be drawn that Representative Wilson was bribed to vote for Senator Lorimer. As is hereinafter stated, if Wilson was guilty of any act of bribery, it was not in connection with the senatorial election. There is, therefore, no good ground for deducting his vote from those received by Mr. Lorimer.

Much of the testimony taken upon the investigation related to the alleged payment of money to members of the General Assembly of Illinois by one Robert E. Wilson. This was denied by Wilson and by others, and after considering all the evidence on that subject, the committee are not prepared to find that the fact is established. But whether the sums of money claimed to have been paid were or were not paid, that fact has no relevancy to the matter which the committee was appointed to investigate. If any money was disbursed by Wilson, it is evident that it was from a fund which was neither raised nor expended to promote the election of Mr. Lorimer as a Senator nor to reward those who voted for him for that office. It was therefore no part of the duty of the subcommittee to inquire into either the origin of the fund or the purpose for which it was used. That matter was and is one for the proper officials of the State of Illinois to take cognizance of and one with which the Senate of the United States has no concern.

The committee submit to the Senate the testimony taken in the investigation, with their report that, in their 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, and request that they be discharged from further consideration of Senate resolution No. 264.

J. C. BURROWS.
CHAUNCEY M. DEPEW.
W. P. DILLINGHAM.
ROBERT J. GAMBLE.
W. B. HEYBURN.
MORGAN G. BULKELEY.
JOSEPH W. BAILEY.
THOMAS H. PAYNTER.
JOSEPH F. JOHNSTON.
DUNCAN U. FLETCHER.

The undersigned, while fully concurring in the foregoing report of the Committee on Privileges and Elections, desires to state herewith his personal reasons therefor:

There was a vacancy in the Senate from Illinois to be filled by the legislature in the constitutional manner.

The record of the Legislature of Illinois consisted of 202 votes on joint ballot, and at a lawful time, May 26, 1909, the vote for Senator was taken which resulted in 108 votes being cast for Mr. Lorimer, which result was duly certified to the Senate and Mr. Lorimer was seated.

No other person has claimed the right to hold the office or to have been elected thereto.

No claim has been made by or on behalf of the State of Illinois that the election of Mr. Lorimer was not in accordance with law or that any other person is entitled to the office.

On June 7, 1910, more than one year after Mr. Lorimer had been elected and taken his oath of office as a Senator, one Clifford W. Barnes, claiming to act on behalf of "The Legislative Voters' League of Illinois," presented charges in the senate, alleging on information and belief that three members of the legislature who voted for Mr. Lorimer had been bribed to do so by one Lee O'Neil Browne, who was a Democrat and who is shown to have been indicted for such act and acquitted by a jury of the State of Illinois upon the trial under such indictment.

When the committee was organized at Chicago to hear the parties who had made the charges, Clifford W. Barnes was called and appeared before the committee. Upon being inquired of as to whether he was prepared to proceed to sustain the charges which he had made he informed the committee he was not prepared to offer anything in support of such charges and did not desire to appear for that purpose, or any other, before the committee. He, however, requested that the Chicago Tribune, a newspaper published in Chicago, should be permitted, through its representatives, to introduce testimony before the committee respecting the charges and to appear by counsel.

The committee granted this request and a large amount of testimony was introduced, much of which was outside the legitimate scope of the inquiry and some of which consisted of the testimony of members of the legislature establishing the unreliability, and even infamy, of such witnesses. Men swore without any apparent embarrassment that they had sworn falsely on other occasions; had committed perjury; had violated the laws of their State, the laws of morality, and the laws of decency. While it is true the truth may be told by bad men and should not be disregarded altogether because of the moral character of the party testifying, yet in this case the moral obliquity of some of the witnesses called to establish the charges was such as to make it highly improper to accept such testimony as the basis upon which any man's character or right to an office should depend.

It is not claimed nor was any attempt made to show that Mr. Lorimer was in any way connected with the alleged bribery or that he knew of any bribery or corrupt practice in connection with his election.

The committee is not charged with the investigation of the personal character of the members of the Illinois Legislature, nor should it report upon the same.

The right to investigate the character of the legislative body of a State or any member thereof belongs exclusively to the State and the people thereof.

In the Senate every presumption is in favor of the integrity of the State as certified to it by the chief executive of the State, and no presumption can be indulged that the State acted corruptly in the election of a Senator.

When a question as to the right of an incumbent to sit arises in the Senate which is based upon charges made by persons acting in their individual capacity, the burden of sustaining such charges rests on the charging party, and such party should be held to strict proof of the charges made, and such charges may not be made the basis of a dragnet investigation into the personal conduct or morals of the members of the legislature who participated in the election. The State must stand responsible for the character of its officers, and that responsibility is to its own people and not to any branch of the General Government.

The Senate may inquire into the personal fitness of a man elected by a State to sit as a Senator and may determine such question within the exercise of its exclusive powers, but in doing so it may not inquire into the personal character of the officers through whom the State acts. That question belongs to the people of the State exclusively.

The Senate may, however, inquire into the manner of the election of a member of its body to the extent, and for the purpose of ascertaining whether such election was an honest one, representing the will of the members of the legislative body which certifies his election to the Senate, and in doing this we may inquire whether the votes cast by members of the legislature were procured by bribery of such members, by the person for whom they voted or by anyone on behalf of such person with the knowledge or consent of such person, and in

case we should find that such bribery existed we should find that his election was procured in violation of the law, and the person so selected should not be permitted to hold the office of Senator.

In this case Mr. Lorimer is neither charged nor shown to have bribed or corrupted any member of the legislature who voted for him, or to have furnished any money to any person for such purpose, neither has it been shown that he had any knowledge of any bribery or corrupt practice in connection with his election. We do not have to weigh testimony to arrive at this conclusion, for there was no attempt to establish such conduct or knowledge on the part of Senator Lorimer.

That a sufficient number of Democrats had agreed among themselves to join those Republicans who forced Mr. Lorimer's election is clearly shown by the testimony, a majority of the faction of the Democratic party from which such votes came was acting under the leadership of Mr. Lee O'Neill Browne, who was a member of the house.

Much testimony and much scandal has been brought to the attention of the committee in connection with Mr. Browne's methods of dealing with the Democrats who voted for Mr. Lorimer under his leadership. Men have been charged with corrupt practice, bribery, and perjury. The powers of the courts of Illinois have been invoked to punish the men charged with these offenses, and trials have been had, but no one has been convicted. Another election for the election of members of the Illinois Legislature has been held and most of the men charged with crime and corruption have been reelected to office by the people of Illinois. Can it be urged that the Senate, in determining the truth of the charges affecting the election of Mr. Lorimer, should disregard the verdict of the courts and of the people before whom the charges were urged and considered and unseat a member upon testimony held insufficient by the people of the State of Illinois?

W. B. HEYBURN.

