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"No election of a Senator clearly shown to have been based in any degree upon bribery or corrupt practices should be allowed to stand. I think the election of United States Senators should be made and kept above suspicion."

REMARKS

OF

Hon. Robert L. Owen

A United States Senator from Oklahoma

ON

The Right of William Lorimer to a Seat in the United States Senate.

January 9, 1911.

Mr. Owen said:

Mr. President, on May 21, 1908, I introduced Senate joint resolution No. 91, for the submission of a constitutional amendment providing for the election of Senators by a direct vote of the people.

On May 23, 1908, I urged the Senate to act, showing that 27 States had at that time sought relief in this matter. Senate resolution 91 was never reported by the Committee on Privileges and Elections.

After the convening of the Sixty-first Congress I introduced another Senate resolution, No. 41, for the submission to the States of the Union of a constitutional amendment providing for the election of Senators by direct vote of the people.

On May 31, 1910, I again urged this reform on the attention of the Senate, and was prevented the privilege of a vote, and the committee has never reported on Senate joint resolution 41.

The House of Representatives on five different occasions has passed a bill providing for this reform—in 1892; July 21, 1894; May 11, 1898; April 13, 1900; and February 13, 1902, the last vote unanimously, or no one opposing.

On May 31, 1910, I pointed out to the Senate that every State in the Union had acted favorably in this matter, except the New England States, New York, Delaware, and West Virginia, by passing resolutions addressed to Congress seeking for this reform, or by actually nominating Senators by a popular primary vote.

And that even in the 9 States excepted there were many evidences that the people favored election of Senators by direct vote. The Democratic Party in Connecticut, Massachusetts, New Hampshire, New York, and Rhode Island expressly declared for it in 1910.

The National Democratic Party, the National Prohibition Party, the National Peoples Party, have all declared in favor of it; the American Federation of Labor, the National Grange, the Society of Equity, the Farmers' Educational Cooperation Union, and other great organizations of the country have declared in favor of it. And I insisted, Mr. President, that this reform was needed for the following reasons, among others:

First. That it would prevent deadlocks in State legislatures.

Second. It would compel candidates to be subjected to the severe scrutiny of a campaign before the people and promote the selection of the best qualified men.

Third. That it would prevent interference with State legislation by violent ocntests over the Senatorship.

Fourth. That it would prevent improper use of maney and the corruption of legislatures.

These matters I now refer to in the light of the report of the Committee on Privileges and Elections on the Senate resolution directing an investigation of certain charges made against Mr. WILLIAM LORIMER, of Illinois, where it is obvious these evils have occurred. (Proceedings, p. 638.)

On June 20, 1910, the Committee on Privileges and Elections was directed by Senate resolution 264 to report to the Senate whether in the election of Mr. WILLIAM LORIMER as a Senator of the United States from the State of Illinois—

There were used or employed corrupt methods or practices.

On December 21, 1910, the report of the committee was submitted to the Senate and will be found in the *Record* of that date. (S. Rept. No. 942, 61st Cong., 3d sess.)

The Committee on Privileges and Elections has reached the conclusion that the election of Mr. LORIMER was not invalidated by any sufficient evidence of corrupt practices.

I can not acquiesce in the conclusions of the committee.

In the first place the committee concludes as a principle of law, upon the precedents of cases heretofore before the Senate, that in order to invalidate the election of a Senator on account of bribery it must be made to appear:

First. That the person elected participated in one or more acts of bribery, or attempted bribery, or sanctioned or encouraged the same, or,

Second. That enough votes were obtained for him by bribery or corrupt practices to change the result of the election.

In my judgment the better ethical rule, upon which the Senate should properly stand, is that no election of a Senator clearly shown to have been based in any degree upon bribery or corrupt practices should be allowed to stand. I think that the election of United States Senators should be made and kept above suspicion. In my opinion no elected officer in city, State, or Nation should be allowed to take his seat or to hold it where it was proven he was the beneficiary of any corrupt practice. The Senate is in honor bound to set a high example in this matter, and I refuse emphatically to acquiesce in any lower standard than this. The country is in serious need of a good example. Look at Adams County, Ohio; over a thousand citizens indicted for selling their votes. Adopting the doctrine I suggest will tend to put an end to corrupt practices. The need is obvious.

Mr. President, in Great Britain if a single vote is bribed or any money unlawfully spent in electing a member of Parliament, his election is absolutely annulled. Why should the United States Senate, which is regarded by our people as the most distinguished legislative body in the world, adopt a lower ethical and moral standard than the British House of Commons?

In the second place, I think the evidence, even on the very narrow theory of the committee that it must be shown that enough votes were obtained by bribery to change the result, would justify the invalidation of the elecion of Mr. LORIMER. Mr. LORIMER was compelled to have 103 votes as a constitutional majority. He received 108, and of these at least 10 are already shown not to deserve to be counted on account of corrupt practices, and in my judgment the investigation was by no means as searching and complete as it should have been, no examination having been made into the jackpot conspiracy, a coalition obviously in numbers strong enough to obtain or defeat measures, which was confessed by White to be a consideration moving him to vote for LORIMER, and so forth.

I submit a brief abstract of the evidence filed in the proceedings, referring to pages of the record by number. In considering the evidence of bribe givers and bribe takers and their evasions and falsehoods, I have endeavored to ascertain the actual truth as evidenced by circumstantial evidence, sound reason, and common sense. In spite of all denials the witnesses corroborate each other in the essential facts.

(1) D. W. HOLSTLAW AND (2) JOHN BRODERICK.

D. W. Holstlaw was a senator from the forty-second district in the Legislature of Illinois. He appeared before the Senate committee and on his oath declares that Senator John Broderick, another senator (of the forty-sixth district) in the General Assembly of Illinois, promised him money if he would vote for Mr. LORIMER (p. 198), and the next morning after this promise, on May 26, 1909, he voted for Mr. LORIMER, and that there-

after, on the 16th of June, 1909, in Chicago, Ill., John Broderick paid him $2,500 in currency, and he deposited the same with the State Bank of Chicago, Ill., to the credit of the Holstlaw Bank, of Iuka, Ill. (p. 201). He is confirmed by the bank officer who received the money, Mr. Jarvis O. Newton, and by the deposit slip of the State Bank of Chicago, Ill., June 16, 1909, showing that this amount was deposited in currency (p. 411).

John Broderick was twice called before the committee and withdrawn without testifying (pp. 422, 508), and finally was summoned at the instance of Albert S. Austrian, counsel for the Chicago Tribune, who assumed the burden of presenting evidence (p. 547).

Broderick refused to answer questions (p. 557) on the avowed ground that he might incriminate himself, and is under indictment at Springfield, Ill., for bribery in the Lorimer case.

His testimony was obviously insincere and untrue.

D. W. Holstlaw further testified that he received $700 additional from John Broderick, who told him that there was that much coming to him. In my judgment, if it were merely a question of counting votes neither the vote (1) of D. W. Holstlaw nor of (2) John Broderick should be counted; but, in my opinion, it is not a question of counting votes; it is a question of invalidating the election of a United States Senator, where gross corruption and bribery is established in one or more instances.

(3) H. J. C. BECKEMEYER.

H. J. C. Beckemeyer, member of the Forty-sixth General Assembly of Illinois and a member of the Lee O'Neill Browne faction, who voted for Mr. LORIMER, appeared before the Senate committee and made oath that on or about May 25 or 26, 1909, he entered into an arrangement that proved to be corrupt with Lee O'Neill Browne (the leader of the Browne faction of 37 members of the Democratic Party in the lower house); that he voted for Mr. LORIMER on May 26, 1909; and that he received, on June 21, 1909, in St. Louis, Mo., at the Southern Hotel, $1,000 from Lee O'Neill Browne for his vote for Mr. LORIMER (p. 227), and that on July 15, 1909, at the Southern Hotel, St. Louis, Mo., he received $900 from Robert E. Wilson, the intimate friend and representative of Lee O'Neill Browne, on the same account (p. 228). Beckemeyer deposited $500 of this money from Wilson in the Commercial Trust Co., St. Louis (p. 228).

(4) MICHAEL S. LINK.

Michael S. Link, a member of the Forty-sixth General Assembly of Illinois, a member of the Browne faction, under oath, stated in like manner before the Senate committee that he met Lee O'Neill Browne in St. Louis at the Southern Hotel on June 21, 1909, and received $1,000 from him (p. 281); that he met Robert E. Wilson, the intimate friend and representative of Browne, in St. Louis, Mo., on July 15, 1909, and got $900 from Wilson at the same time and place as Beckemeyer (p. 284). Link pretended to think this "campaign money," although it is obvious it was for the same purpose as that confessed by White and Beckemeyer.

(5) CHARLES A. WHITE, (6) LEE O'NEILL BROWNE, (7) R. E. WILSON.

Charles A. White, a member of the house, Forty-sixth General Assembly of the State of Illinois, and a member of the Browne faction, on his oath, appeared before the Senate committee. He stated that he had made an agreement with Lee O'Neill Browne on May 25, 1909, to vote for Mr. LORIMER, for $1,000 and was to have as much more from other sources (p. 49), repeatedly referred to as the "jack pot;" that he was taken in on the money derived from other sources, the "jack pot," as a part of the consideration for voting for Mr. LORIMER; that Browne paid him $1,000—first, $100 at Springfield, Ill.; $50 in Chicago, Ill.; and $850 in Chicago, Ill. (p. 52), on June 17, 1909, and that he received in like manner $900 from Robert E. Wilson (p. 81), a member of the Browne faction, the intimate friend and representative of Lee O'Neill Browne, at the Southern Hotel, St. Louis, Mo., on July 15, 1909, in accordance with Browne's previous promise.

White's testimony is corroborated by Thomas P. Kirkpatrick, who said that White deposited for safe-keeping a package of money marked "Eight hundred (800.00) dollars" with Mr. Hollender, cashier of the Grand Leader Store in St. Louis, Mo., in the latter part

of June, 1909 (p. 223), and White is otherwise corroborated by accounting for the time, place, and amount of his various expenditures of this money received by him from Browne and Wilson. For these reasons, I believe, that if it were merely a matter of counting votes, which, in my judgment, it is not, that the votes of Charles A. White, H. J. C. Beckemeyer, Michael S. Link, Robert E. Wilson, and Lee O'Neill Browne should not be counted in favor of the election of Mr. LORIMER. It is shown in the evidence that Robert E. Wilson wrote letters falsely dated back a year so as to appear to have been written to Beckemeyer on June 26, 1909; and to Link on June 26, 1909, arranging the St. Louis meeting for the purpose of a banquet for Browne, when, as a matter of fact, these letters were falsely dated and falsely conceived and agreed upon between them, having been written in 1910, after the disclosure of this corruption was threatened.

White testified (p. 81) that Lee O'Neill Browne had on a blue cloth belt July 17, 1909, Briggs House, Chicago, the day he paid White, in which he said he had $30,000. Thirty of the Browne faction voted for LORIMER (p. 639).

Lee O'Neill Browne was indicted for bribery of Charles A. White in the Lorimer case (p. 618)—the first jury was a hung jury, and by the second jury he was acquitted, but it should be remembered also that out of the second trial, at which he was acquitted, his attorney, Erbstein, was indicted for bribing the jury that acquitted Browne. Moreover, the venue of the cases above cited in which Browne had corruptly paid money to Beckemeyer and Link et al. was laid in the State of Missouri, and that Wilson's payments were likewise in the State of Missouri, the crafty purpose of which seem sobvious, i. e., to prevent any indictment in Illinois. On the floor of the legislature, when the Lorimer vote was up, Browne, in his speech, said, "You can not cash dreams," to which Representative Engilsh replied, "He might cash votes" (p. 636).

(8) CHARLES S. LUKE.

Charles S. Luke, a member of the Browne faction of the Forty-sixth General Assembly of Illinois, is now dead. He voted for Mr. LORIMER May 26, 1909. He met Lee O'Neill Browne in St. Louis, Mo., at the Southern Hotel on June 21, 1909, at the same time Browne paid Beckemeyer and Link. It is shown that he exhibited $950 to his wife immediately afterwards without explaining its source (p. 495).

It is shown that he met Robert E. Wilson, Browne's intimate friend and representative, at the Southern Hotel on July 15, 1909, when other bribe takers were paid.

Charles A. White, in his original statement of this case, declares that Charles S. Luke was angry at getting only $900 at St. Louis, and stated to him that he could have gotten $1,500 at the beginning of the session and was sorry that he did not take it; that he intimated to Luke that he, White, had not received anything, but that Luke answered by saying:

> Yes; you did. You got $1,000, just what we all got except the leaders, and it is to be expected they got more than we (p. 11).

Under these circumstances, if it were merely a matter of counting votes, I do not think the vote of Charles S. Luke should be counted for Mr. LORIMER.

(9) JOSEPH B. CLARK.

Joseph B. Clark was also a member of Browne's faction who voted for Mr. LORIMER May 26, 1909.

The evidence shows that Joseph B. Clark was in St. Louis at the Southern Hotel on June 21, 1909, although he denies it, and that also he was present and met Robert E. Wilson in St. Louis on July 15, 1909. He was present when Robert E. Wilson paid Beckemeyer $900; he it was who by agreement received Robert E. Wilson's manufactured false letter of 1910,, antedated about a year, and which was prepared with the intention of establishing a false excuse for the meeting held in St. Louis on July 15, 1909.

Beckemeyer testified that Mr. Clark agreed with him that it might be all right for Beckemeyer to deny having been in St. Louis on July 15, 1909, showing that Clark agreed to false evidence in regard to the St. Louis meeting.

D. W. Holtslaw states that Clark had told him that they would get something out of the furniture deal, a grossly corrupt transaction for which Clark is now under

indictment. Under all the circumstances, I believe that Joseph B. Clark, as a member of the Browne faction, the "gang" Beckemeyer referred to, in replying that he would go with it wherever it went (p. 258), was also a bribe taker, and that his vote ought not to be counted.

(10) HENRY A. SHEPHARD.

Henry A. Shephard, member of the Forty-sixth General Assembly of Illinois, was a member of the Browne faction, who voted for Mr. Lorimer May 26, 1909. He also met Lee O'Neill Browne at the Southern Hotel, St. Louis, on June 21, 1909, precisely the same place, and at the same time that the payments were made to those who have confessed, or who have been proven to be bribe takers and bribe givers. Immediately at the time, but before Beckemeyer received his $1,000 from Browne, and as he was going into Browne's room, Henry A. Shephard was just coming out of Browne's room (p. 227).

He was at the meeting with Robert E. Wilson with the bribe takers at the Southern Hotel, St. Louis, Mo., on July 15, 1909, and went into the famous bathroom with Wilson just before Charles A. White went into the same bathroom and got $900, but Shephard attempts the silly explanation that his visit to the bathroom related exclusively to answering a question by R. E. Wilson as to the name of a lady who had taken dinner with Henry A. Shephard months before at Springfield, Ill. All of the evidence will justify the belief that Henry A. Shephard, as a member of the "gang," was paid the same amount as the other members of the "gang." His absurd explanation of his going to St. Louis to meet with this party of men, of his going into the bathroom to tell the name of a lady with whom he had taken dinner at a public hotel months before, is unworthy of belief.

Henry A. Shephard, however, explains his vote for Mr. Lorimer on the ground that Mr. Lorimer made him a personal promise (Proceedings, p. 318) that he would do all in his power to prevent Mr. Richards, the postmaster of Jerseyville, Ill., or his deputy, Mr. Becker, from being appointed as postmaster of that town. Shephard testified that he told Browne that he could not and would not vote for LORIMER; that Browne appealed to him, stating that "we have not got enough without you;" and that Mr. LORIMER would make the promise he wanted. (Proceedings, p. 318.)

That he, Henry A. Shephard, said to Mr. Lorimer, "If you will promise me that neither Mr. Richards nor Mr. Becker shall be made postmaster I will vote for you."

And that he, Mr. LORIMER, said, "I will promise you to do all in my power to prevent them from being appointed."

I am advised that the statutes of Illinois provide that—

whoever corruptly * * * gives any money or other bribe, present, reward, promise, contract, obligation, or security * * * to any legislative, executive, or other officer, * * * with intent to influence his act, vote, * * * or judgment * * * on any matter * * * which may be then pending, or may by law come or be brought before him, * * * shall be deemed guilty of bribery. (Sec. 31, chap. 38.)

If it were merely a matter of counting votes, I think that Henry A Shephard's vote should not be counted.

Besides these cases, it is my judgment that in view of the testimony of White that his right to participate in the "jack pot" was a consideration moving him to vote for Mr. LORIMER, and that White, Holstlaw, Link, Luke, and Beckemeyer, who voted for Mr. LORIMER, appear to have received a pro rata part of the "jack pot," and to have been "taken in" on the "jack-pot" conspiracy, the committee would have been justified in inquiring into the extent of the "jack pot" and its relation, as an agency, in bringing about the election of Mr. LORIMER.

There were 30 of the Browne faction who followed Browne's leadership and supported Mr. LORIMER.

Albert J. Hopkins had received 165,305 votes at the Republican primary; George E. Foss, 121, 110 votes; William E. Mason, 86,596 votes; William G. Webster, 17,704 votes.

Lawrence B. Stringer was the only Democratic candidate and received the vote of his party at the primary.

Mr. LORIMER was not before the primary as a candidate. He received the vote of only one member in the legislature on May 13, 18, 19, 20, 25, but on May 26 he suddenly received 108 votes, 5 or 6 in excess of the of the constitutional majority required.

Every Democratic legislator was under the instruction of the Democratic primary

to support Mr. Stringer and knew it meant great political danger to support Mr. Lorimer. There was no mandate from the people to elect Mr. Lorimer. Every sound reason of political expediency forbade it. It seems as if pecuniary consideration alone could accomplish it since this dangerous law-defying method was finally resorted to, and I think that the best evidence obtainable that it was necessary to buy votes in order to elect Mr. LORIMER at all is the expert opinion of those who bought these votes and paid as high as $3,200 for a single vote, as in the Holtslaw case.

The above record of bribery and corruption can not be broken down, in my opinion, on the theory that the men who received the bribes were unworthy of belief on their confession, and that their testimony against the bribe givers is unworthy of credit (because the witnesses are infamous); for the reason that there is such a tissue of substantial and circumstantial evidence surrounding the case that it is impossible to resist the belief that these confessions are substantially true. It does not suffice to say that a bribe taker is unworthy of credit. With the exception of White, all the testimony from the bribe givers and bribe takers came with extreme reluctance and was obtained only by the exercise of the powers of the Government.

In my judgment the attempt to rebut and break down the force of these confessions failed. It is extremely difficult to expose conspiracy where every man concerned has a powerful interest to conceal his own wrongdoing.

Lee O'Neill Browne and his friend and Representative R. E. Wilson, who was indicted for perjury before the grand jury (p. 731), deny making the payments to White, Beckemeyer, Link, and Luke, but they are overwhelmed by both the direct and circumstantial evidence and in my opinion are unworthy of credit (p. 732).

It has been suggested that Lee O'Neill Browne has been vindicated, having been reelected to the legislature.

In my judgment, this is no proof of vindication, in the presence of the evident bipartisan system of corruption in Illinois, where votes can be easily bought under a defective form of corrupt-practices act, which permits of easy evasion. If a man has behind him large capital interested in his vindication, vindication is easy.

Particularly is this true in Illinois, where under the plumping system or accumulative voting one-third of the votes in Mr. Browne's district would suffice to elect and where under the bipartisan system he had both a Republican and Democratic following. In his evidence he stated that he probably got nearly as many Republican votes as he did Democratic (p. 585).

The dangerous extent to which bribery of voters has gone in this Nation is exhibited by the indictment of over a thousand citizens in Adams County, Ohio, a State in which there is a defective corrupt-practices act and machine rule. The Republic can not last if such a system is permitted to continue. The time has come for reform and the establishment of honest government and of the people's rule and the overthrow of machine rule.

I again call attention to the code of the people's rule (S. Doc. 603, 61st Cong., 2d sess.), which shows the easy pathway to righteousness in government.

ATTEMPTS TO BRIBE.

(11) George W. Meyers was one of the seven members of the Browne faction who refused to vote for Mr. LORIMER. He made oath before the Senate committee that Lee O'Neill Browne urged him to vote for Mr. LORIMER and suggested that there would be some good State jobs to give away and plenty of the "ready necessary," meaning money; that he refused, however, to vote for Mr. LORIMER (p. 312).

JACOB GROVES.

(12) Jacob Groves, a Democratic member of the house who did not vote for Mr. LORIMER, testified that Douglass Patterson, an ex-member of the house, came to him after he had retired, on May 25, 1909, the night before Mr. LORIMER'S election, and requested an interview, stating that he wanted him to keep quiet about the matter; he wanted to know if Groves was an Odd Fellow or a Mason, and referring to the LORIMER matter, said: "It may be a good thing for both of us if you, Groves, were to vote for LORIMER." To this proposal Groves replied "that there was not money enough in Springfield to hire him to vote for LORIMER." The proposal excited Groves and he talked very loud, and Patterson urged him "to put down the transom," and immediately denied that he intended any bribery (p. 415).

HENRY TERRILL.

Henry Terrill, who was a Republican member of the house, testified that (13) John Griffin, Democratic member of the Browne faction, who voted for LORIMER, asked him [Terrill] to vote for Mr. LORIMER. Terrill testified that he asked him "what there would be in it," and he said "$1,000, anyway." Terrill says this occurrence took place one or two nights before Mr. Lorimer's election (p. 498). Griffin denied the guilty suggestion, but is less credible than Terrill, because Terrill had no reason to conceal the truth or tell a falsehood, while Griffin did have. I think Griffin's vote should not be counted. It should be remembered that 53 of the votes for Mr. LORIMER were Democratic votes, instructed by the unanimous primary vote of the Democrats of Illinois to stand for Mr. Stringer. They abandoned Mr. Stringer, the Democrat, and suddenly at a given moment solidly supported Mr. LORIMER, the Republican. I do not believe this conduct was the simple exercise of honest personal judgment on the fitness of the candidates, and I think the members of the jack pot should have been ascertained and examined. They evidently were numerous enough to control or block legislation. Of the 149 Republican members voting, Mr. LORIMER only received 55, about a third, showing that as a candidate of the Republican Party he was not acceptable to the Republican members of the legislature, and, not having been a candidate at all in the primaries, there was no popular mandate whatever to support his candidacy. Under all the circumstances, I do not think he really represents the will of the people of Illinois. If the people of Illinois want him, and will give him popular approval in the primary, I think he might then be entitled to a seat in the Senate; otherwise not. He should seek vindication in his own State.

Mr. President, under the circumstances I believe it my duty to the people of Oklahoma, to the Senate of the United States, and to the American people to move the Senate to declare the so-called election of Mr. LORIMER void, on account of the corrupt practices above set forth, a resolution as to which I have already introduced.

I believe that there was wholesale corruption and bribery used in procuring the election of Mr. Lorimer, and that it has been abundantly proven, and that the effort to break down the corroborating mass of interwoven evidence above cited by rebuttal has failed.

I believe if Mr. LORIMER should retain his seat under these painful circumstances it would lower the United States Senate in the esteem of the American people. I believe the time has come when the American people will approve stern measures in dealing with bribery and with corrupt conduct in public affairs, and I think it better for all the people that there should be an end made to the election of Senators by the sinister commercial forces of the Republic.

Mr. President, I submit to the Senate that the time has come for the adoption of a constitutional amendment for the election of Senators by the direct vote of the people, under the safeguard of an honest and thoroughgoing corrupt-practices act and publicity pamphlet such as Oregon has adopted, which gives an equal chance to the rich man and the poor man, and strictly limits the use of money in the election of Senators.

In view of the fact that many seats in the United States Senate are about to be determined in various legislatures, it is of the highest importance that the Senate of the United States should give the country to understand that the election of Senators shall be absolutely free from bribery or corrupt practice.

In my opinion Mr. LORIMER was not the choice of the Legislature of Illinois nor of the people of Illinois, and his election, so called, is entirely vitiated by the corrupt practices of his supporters, was illegal and void ab initio, and does not merit present recognition.

It is no longer William Lorimer on trial but the Senate itself is on trial before the bar of the American people.

I submit the following resolution for the consideration of the Senate:

Resolved, That the so-called election of WILLIAM LORIMER, on May 26, 1909, by the Legislature of the State of Illinois, was illegal and void, and that he is not entitled to a seat in the United States Senate.

EXTRACT OF REMARKS MADE MARCH 1, 1911.

Mr. OWEN. Mr. President, it is for the purpose of having the influence of the Senate of the United States thrown upon the right side of this great contest between

the sinister, secret, crafty, most powerful and tremendous commercial interests of the Republic and those demanding integrity of government that I have thought fit to express my views in this case. It is not because I would be willing to wound the feelings of the sitting Member. If he were merely a sinner, so are all men, and so am I, and I would be glad to give him a friendly, brotherly hand. All men make mistakes. I have made grievous ones, and grievously have I repented them. When men commit wrong, they do it in ignorance of what is best for themselves. No man would willingly do himself a conscious injury. Any man who does wrong does himself a personal injury. This is not a question of personalities. The question is, Shall we by our vote on this case establish a policy of government that will by example and precedent put an end to bribery and corrupt practices or promote it? That is the question, and that is the only question of any great importance in this case. It is true that if the Senate decides erroneously in this matter it will impair its high standing before the people of the United States, and this I should deeply regret, but that is not the most important question.

Mr. President, the Committee lays down the doctrine, that if the sitting Member has a majority of the untainted votes he has a title in law which can not be disputed either in law or in morals. I want to examine where that leads. Mr. LORIMER had 108 votes. Seven votes are practically conceded to have been corrupt. That will reduce his number to 101 so-called untainted votes, not enough to elect. It required 102 votes to be a majority of 202, which were present and voting in that legislative assembly. In order to enable a majority to be obtained, therefore, it is necessary to argue that the majority of the untainted votes will suffice; that is, that the 7 bribed votes must not be counted as voting at all. This theory would require 15 tainted votes to have been proven to have been bribed to unseat Mr. LORIMER, and when you prove 15 votes to have been tainted, that argument would admit a larger number to be bribed in order to seat the sitting Member; and when you prove a larger number, that again will permit still more to be tainted, and it would be impossible to unseat any Member on such a basis until you exhausted the quorum.

Let me explain in a moment. Take the case of Mr. Hopkins. He had 70 untainted votes. Suppose some bad friend of Mr. Hopkins—suppose this indeterminate, unknown thing called the Lumber Trust, for example—had been so friendly with Mr. Hopkins and so wanted to seat him that it had gone into the open market and bought 24 votes belonging to Mr. Stringer and had bought 39 votes belonging to Mr. LORIMER, then Mr. LORIMER would have had left only 69 untainted votes, and Mr. Hopkins, with 70 untainted votes, his bad friends having bought in the open market 63 votes, would have a title so pure and so strong under the law that it could not be disputed either in law or in morals.

What kind of doctrine is that? That is the logical consequence of the doctrine of a majority of the untainted votes being sufficient to establish a valid title. Is it good policy? I am sorry that the Senate, at the closing moments of this debate, does itself the honor to absent itself from this Chamber. I wish there could be a photograph of these vacant seats sent out to the American people. I appeal against the proposed judgment of the Senate as prophesied by the Senator from New Hampshire. [Mr. Gallinger], who advised the Senate on this floor there were sufficient votes to seat Mr. LORIMER. I am not speaking now to the Senate; I am speaking to the masters of the Senate,—to the people of the United States, to the American people.

* * * * * * *

I call the attention of the country to the remarkable doctrine of the Committee on Privileges and Elections—that a majority of the untainted votes shall suffice. Here is an editorial from the New York Evening Post, from which I read the following:

> If on February 22, when Mr. Sheehan lacked 12 votes of an election in the New York legislature, his friends had, without his knowledge or consent, bribed 23 of his opponents to vote for him or absent themselves, would the people of New York have regarded this as a valid election in spite of clear proof of the bribery?

Under the rule laid down by the Committee on Privileges and Elections that would have been good law. That title of Mr. Sheehan under such circumstances could not be held invalid either in law or in morals. I will not stultify myself by giving my vote for such a doctrine. It is not only unreasonable; it is not only absurd; it is not only preposterous, but it is immoral, because it promotes immorality, and I will have none of it.

Press of the Sudwarth Company, Washington.