

## THE CONTESTED SENATE ELECTION OF WILLIAM SCOTT VARE

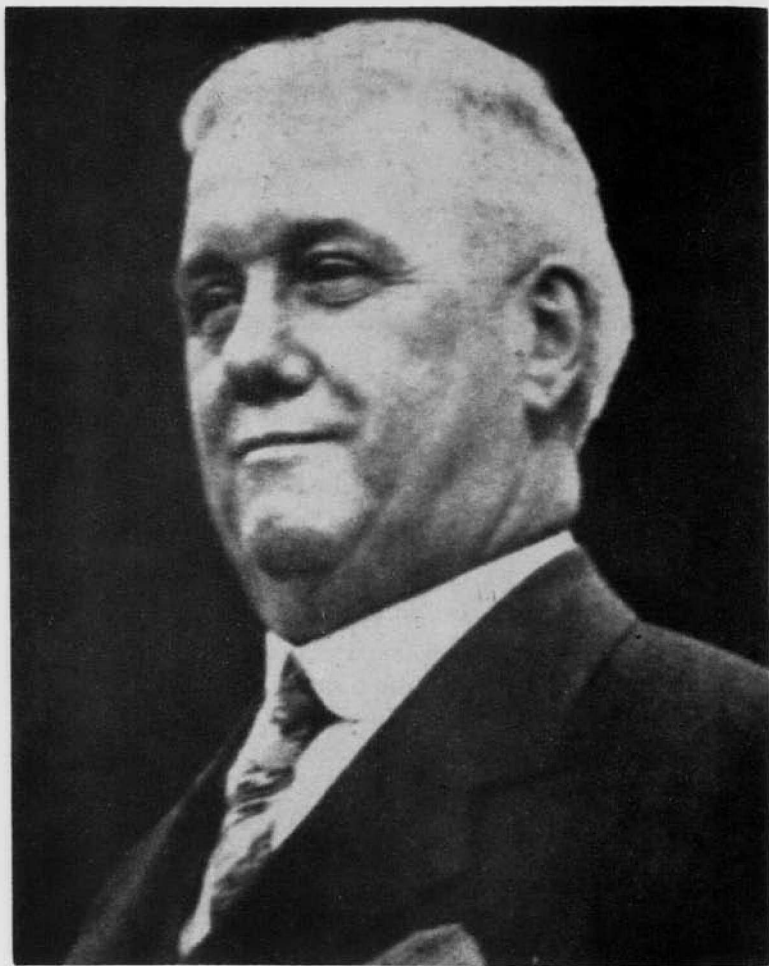
BY SAMUEL J. ASTORINO\*

**A**MERICAN political history is filled with accounts of attempts to thwart the honest election of public officials. Particularly in the period since the Progressive Movement much has been written about "bossism" as one of the main obstacles to the complete fulfillment of this goal. The boss, usually a municipal creature, has been indicted for prostituting the interests of the people by using fraudulent methods to gain victory at the polls in order to perpetuate his own personal interests. Critics of bossism have pointed accusing fingers at such practices as the wholesale stuffing of ballot boxes, the purchase of votes, "repeater" votes, intimidation, and pressure.

The political history of Pennsylvania since the Civil War has furnished much material for such charges. It has been pointed out that the regimes of Simon and Donald Cameron, Matthew Stanley Quay, Boies Penrose, and William Scott Vare imposed their iron-fisted rule over political contests in which the results were seldom in doubt. As a consequence it has become commonplace to look on Pennsylvania as a hotbed of bossism and corruption, which remained literally untouched by the reforming zeal of Progressivism. Certainly one of the most incriminating elements in the Pennsylvania picture is the fact that in the short period of thirty years, two of these Pennsylvanians, Quay in 1899 and Vare in 1929, were prevented from taking their seats in the United States Senate, although in the former case, of course, the charge of fraudulent election was not a factor.

William Scott Vare was the youngest of a trio of brothers who had intermittently ruled Philadelphia in the name of the Republican Party since the turn of the century. The oldest, George, had died

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WILLIAM S. VARE

in 1908 after establishing control of South Philadelphia and laying the foundations on which his brothers could base complete mastery of the Quaker City. Edwin, the second, had completed the scheme by the time of his death in 1922, when William stepped into the line of succession. The Vare brothers, sometimes known as the "Dukes of South Philadelphia," were skillful city bosses. Their machine was closely-knit, slick, and loyal. The family fortune

came by way of the contracting business, particularly municipal contracts for such work as cleaning streets, collecting garbage, and erecting public buildings. Their political power came from the populous South Philadelphia wards, where were herded the teeming masses of immigrants and Negroes.<sup>1</sup>

Although they held seats in the state Assembly and Senate, the Vares never occupied public office in Philadelphia. Instead, they relied entirely on party offices through which they were able to dominate the mayor, the city council, and many patronage jobs. Needless to say, the influence of the machine spread far beyond the city itself. By controlling blocs of the state legislature, it had a powerful voice in determining the nature of laws formulated in Harrisburg, and most candidates for state offices had to meet its approval. It also counted heavily in national party circles, for there was truth in the boast of a Vare lieutenant that "Philadelphia is the Gibraltar of Republicanism in America and more than once the Philadelphia vote has saved the candidates of the party."<sup>2</sup>

After the death of Penrose in 1921, control of the once smoothly-working state machine had become decentralized. It shifted back to the city and county levels with three factions fighting to gain recognition as the fallen leader's successor. The Mellon financial empire controlled Pittsburgh; Joseph Grundy, wealthy textile manufacturer from Bristol and head of the powerful Pennsylvania Manufacturer's Association, controlled pockets of power throughout the state and figured seriously in the party; and Vare ran Philadelphia. Because of its tremendous patronage power, the governorship was the biggest plum in the political orchard and, indeed, the key to success. In 1922 all three groups were set back when Gifford Pinchot, the renowned Progressive and bitter foe of bossism and corruption, captured the gubernatorial chair with his "Square Deal" campaign. His victory, said the *Pittsburgh Sun*,

<sup>1</sup> The best studies of the Vare machine are Harold Zink, *City Bosses in the United States: A Study of Twenty Municipal Bosses* (Durham, North Carolina, 1930); John T. Salter, *Boss Rule: Portraits in City Politics* (New York, 1935); and John T. Salter, "The End of Vare," *Political Science Quarterly*, L (June, 1935), 214-235. Some caustic views are found in Imogen A. Oakley, "Two Dictatorships," *Outlook*, CXLIV (December 22, 1926), 527-528. Zink, 225, estimates that the Vare contractors built projects worth twenty million dollars for the city of Philadelphia prior to 1921.

<sup>2</sup> *Philadelphia Inquirer*, February 6, 1930, 1, hereafter cited as *Inquirer*. The speaker was Charles B. Hall, one of Vare's top aides.

was an indication that "political machines can overreach themselves, even in Pennsylvania," and the *New Republic* called it a "triumph for progressivism."<sup>3</sup>

Nevertheless, Pinchot's reform administration by no means destroyed the machines, and in the elections of 1926 these scions of "finance-industry-politics"<sup>4</sup> were again locked in a furious struggle for power. The two big prizes at stake were the governorship and the seat in the United States Senate then held by the noted Philadelphia lawyer, George Wharton Pepper. Pepper had expected an easy renomination in the May primary, but Vare's strategy soon disillusioned him. The Philadelphia boss instead slated himself for the Senate and one of his close apostles, Edward E. Beidleman, for governor. The Mellons replied by supporting Pepper and John S. Fisher. Grundy, who by this time had become disgusted with Pepper, ostensibly abstained from supporting a Senatorial candidate, but actually threw his full weight behind Fisher by raising a war chest of \$615,000 in his behalf. The Old Forester, Pinchot, legally prevented from succeeding himself as governor, entered the Senate race against Vare and Pepper with the hope of continuing his crusade against corruption.<sup>5</sup>

In reality, neither faction carried the May primary in any complete sense. Vare's total of 596,928 ballots beat out Pepper and Pinchot, but Fisher, on the other hand, won over Beidleman with the close vote of 652,944 to 634,521.<sup>6</sup> Each side was thus faced with the unpleasant task of supporting a rival candidate in the general election. In November the Republicans swept the state in their familiar and almost reflexive manner. The Democratic Party, which hardly existed for practical purposes, suffered its worst

<sup>3</sup> *Pittsburgh Sun*, May 18, 1922, 8; *New Republic*, XXXI (May 31, 1922), 5.

<sup>4</sup> Although an obvious one, the phrase belongs to Harris G. Warren. *Herbert Hoover and the Great Depression* (New York, 1959), 9.

<sup>5</sup> An interesting account of these behind-the-scenes moves is in George Wharton Pepper, *Philadelphia Lawyer: An Autobiography* (Philadelphia, 1944), 131-134, and also his *In the Senate* (Philadelphia, 1930), 209, 212. In testimony before the Senate committee, it was brought out that Grundy finally did support Pepper. They originally broke their friendship mainly because Senator Pepper had joined the movement for a child-labor law, which Grundy opposed. A month before the primary, William Larimer Mellon, nephew of Andrew W. Mellon, met Grundy in the Bellevue-Stratford Hotel in Philadelphia. Here Grundy agreed to back Pepper in return for Mellon's support of Fisher.

<sup>6</sup> *Pennsylvania Manual, 1925-1926*, 295-297.

defeat in the state's history, as Fisher trounced Eugene C. Bonniwell by a margin of 737,543 votes. Also as expected, Vare emerged victorious over William B. Wilson, former Secretary of Labor under Woodrow Wilson.

Despite the victory, there was much gloom in the Vare camp. Grave doubts had arisen as to the legitimacy of Vare's election. Rumors and complaints of fraudulent voting procedures had sprung up even before the May primary, and so loud, so persistent, and convincing were they that the United States Senate decided to launch an investigation into the matter. On May 17 it adopted a resolution (S.R. 195) introduced by Senator James A. Reed, Democrat of Missouri, creating a special committee to look into the primary campaign expenses of Vare in Pennsylvania and Frank L. Smith of Illinois. Reed was chosen to head the committee, and throughout the summer and fall campaigning special agents invaded the state to gather evidence. These agents searched reports filed by Vare and his campaign manager, Harry Mackey, conducted special investigations into election expenses and procedures in Philadelphia and Pittsburgh, and in December turned over their findings to the Reed committee. On December 22 Reed issued the committee's report on expenditures for both the primary and regular elections, as follows:

Vare-Beidleman .....	\$ 788,934
Pepper-Fisher .....	\$1,804,979
Pinchot .....	\$ 187,029
Wilson .....	\$ 10,088

In that same month Senator-elect Vare presented his credentials to the Senate but was refused the oath of office until a more detailed investigation had been completed.<sup>7</sup> For the present, it was concluded that Vare's expenditures were too large to admit him to the Senatorial post.

Until now no responsible official of the Commonwealth had

<sup>7</sup> "Steps Taken by the Senate to Control Nomination Expenditures," *Congressional Digest*, IX (October, 1930), 230; United States Senate. *Senate Election Cases From 1913 to 1940. For the Committee on Privileges and Elections*. Sen. Doc. 147 76 Cong., 3 sess., 318, hereafter cited as *Committee on Elections*. The other members of the committee were Senators Guy D. Goff, William H. King, Charles L. McNary, and Robert M. LaFollette, Jr.

made a formal statement against Vare, but on January 10, 1927, Governor Pichot, following customary procedure, submitted the usual letter of certification of the Senate race to President Coolidge and literally dropped a bombshell on the proceedings. Pinchot stated that Vare had been elected on the face of the returns, but was not "duly chosen" because "his nomination was partly bought and partly stolen." Pinchot, who held himself to be the symbol of the struggle against dishonest election practices in Pennsylvania, felt that the election of 1926 merely served to confirm his view that bossism should be ruthlessly stamped out. The letter became one of the main arguments against seating Vare, and in the hands of such a fellow-Progressive as Senator George Norris of Nebraska, it was indisputable evidence that Vare had won by deceit.<sup>8</sup> Finally, in a complaint filed with the Senate on March 4, 1927, William B. Wilson, the defeated Democratic candidate, charged that the Vare-controlled election boards, especially in Philadelphia and Pittsburgh, had completely ignored votes cast for him, and argued that on these grounds he rather than Vare should be seated.<sup>9</sup>

From 1927 until the summer of 1929, the Reed committee held a series of hearings to gather testimony. During the interim Pennsylvania was represented by only one Senator. In fairness, it should be noted that the committee, as well as various other Senators, made several attempts to negotiate a quick conclusion, but events were to prove this impossible. The skilled use of legal technicalities by both sides, pressures within the Senate itself, and lingering doubt as to Vare's guilt on the part of one committee member, Senator William H. King, Democrat of Utah, forced numerous postponements. Ultimately, Vare's illness in August, 1928, delayed final action for another year and a half.

Witnesses before the committee during this period included almost everyone connected with the election. Pinchot testified that in both the primary and the regular elections Vare's men had stuffed ballot boxes, refused to count the votes of other candidates, and bought votes outright. Allegheny County Commissioner Charles C. McGovern, a friend of Pinchot's, told the committee that the race "was a pure purchase of votes," and that fraud had been

<sup>8</sup> A copy of the Pinchot letter is in *Committee on Elections*, 351-352; see Norris's remarks in *Cong. Record*, 71 Cong., 2 sess. (December 3, 1909), 43.

<sup>9</sup> *Committee on Elections*, 348-350.

rampant in Pittsburgh. Harry Mackey, who had been rewarded by Vare with the mayorship of Philadelphia in 1927, defended the expenditures but admitted they were large. Albert Greenfield, wealthy Philadelphia real estate broker and a staunch member of the Vare coterie, had to appear twice before he was able to account for his huge contribution of \$125,000. A Philadelphia Sheriff Thomas W. Cunningham maintained that the Senate had no right to force him to reveal the source of his donation.<sup>10</sup>

By the end of 1927, the committee felt it had heard enough and brought its conclusions to the attention of the Senate. On December 9 Senator Norris, who had led the fight against Vare on the floor of the Senate, offered a resolution denying Vare admission. Although it was adopted by a 56-30 vote, a recommendation was made to the committee that more evidence should be gathered before any conclusive action was taken.<sup>11</sup> This was the first postponement, and for a time Vare still held some hope.

Generally speaking, the charges against Vare had now taken shape. First, it was held that his primary campaign expenses were too large, and second, that he had used corrupt methods. In Philadelphia, for example, the Reed committee pointed out that there was an impossible number of "zero" wards—wards in which the opposition received not a single vote; that out of 1,500 electoral divisions the vote had been correctly counted only in 181; that in 674 divisions a total of 21,522 poll tax receipts had been illegally issued; that 2,018 names had been forged in 18 of the divisions selected at random; that in 395 divisions the number of ballots in the boxes exceeded the number of names on the lists of voters; and that only 25 per cent of the judges and inspectors of elections had been duly elected. In addition, it was charged that an examination of the Pittsburgh vote turned up 174 tampered ballots, and that voters' lists were "padded" by 876 names.<sup>12</sup> All this, said the com-

<sup>10</sup> The Senate attempted to arrest Cunningham for his refusal to divulge the source of his donation. The District Court of Philadelphia upheld the Senate, but the Circuit Court of Appeals in Philadelphia reversed the decision on the ground that the Senate could not resort to a warrant when it should have served a subpoena. In May, 1929, however, the United States Supreme Court, in a unanimous decision, read by Justice Sutherland, sustained the Senate. See the *New York Times*, May 28, 1929, 33.

<sup>11</sup> *Cong. Record*, 71 Cong., 2 sess. (December 3, 1929), 42.

<sup>12</sup> *New York Times*, January 15, 33, February 23, 1929, 9; Maynard C. Krueger, "Election Frauds in Philadelphia," *National Municipal Review*, XVIII (May, 1929), 297. The specific charges, too numerous to list here,

mittee, had been deliberately done by the Vare machine at the insistence of its boss who, it charged, had been fraudulently elected.

Vare naturally rejected the charges and prepared for battle. He marshalled a staff of lawyers headed by Francis Shunk Brown, Edward A. Kelly, and Edward W. Wells, including also the noted Pennsylvania constitutional lawyer, James M. Beck. Republican Senator David A. Reed of Pennsylvania was able to swallow his personal contempt for Vare and to defend the expenditures in the Senate's debate on the ground that they were an unavoidable evil of the primary system of nomination. In fact, in early 1927 Reed had gone so far as to filibuster against the creation of the investigating committee in the first place.<sup>13</sup> Furthermore, the Vare faction obtained some moral support by the insertion into the official Senate record of an Associated Press article showing that Secretary of the Treasury Andrew W. Mellon approved of the costs of the primary.<sup>14</sup>

Vare's defense was based on a number of solid arguments. Attorney Brown placed great emphasis on the fact that both the Democrats and the Republicans had spent more per capita in Pennsylvania in the 1928 presidential election than had Vare two years previously. He argued further that Pennsylvania elections had always been fought in the same manner as Vare's campaign had been. By the Senate's definitions these elections, too, should have been, but had not been, declared irregular. Therefore, it was unjust to single out Vare. Moreover, Brown maintained that the only possible way of giving the election to Wilson would be to throw out the entire vote of both Philadelphia and Pittsburgh. Since this was absurd, the votes of the two cities should stand for Vare. In regard to the Pittsburgh vote particularly, the defense contended that the committee's evidence was largely circumstantial, being based mostly on the obviously prejudiced testimony of Commissioner McGovern: "There is absolutely nothing to justify the

are in Francis S. Brown, Edward A. Kelly, Edward W. Wells, *Senator from Pennsylvania: In re the Contest of William B. Wilson vs. William S. Vare for a Seat in the United States Senate from the State of Pennsylvania. Contestee's Brief* (Washington, D. C., Charles H. Potter and Co., 1932), hereafter cited as *Contestee's Brief*.

<sup>13</sup> *Committee on Elections*, 321; also see the biographical sketch of David A. Reed in *Time*, XV (December 16, 1929), 8.

<sup>14</sup> *Committee on Elections*, 321.



charge of . . . conspiracy between the Contestee and any person in Pittsburgh or Allegheny County.”<sup>15</sup>

After satisfying itself that Vare's primary campaign expenses had been too large and that the election day tactics of his machine had been deplorable, the Reed committee addressed itself to the more delicate constitutional question as to what the Senate was empowered to do. Could the Senate judge primary elections? Did it have jurisdiction over a member-elect?<sup>16</sup> Fresh in the minds of most Senators was the recent Newberry case which had hinged on this very point. This case concerned the Michigan Senate election of 1918 in which Republican Truman H. Newberry had run against Democrat Henry Ford, the manufacturer. Newberry had won the election, but the Senate refused to seat him on the ground that his primary expenses had been too large, as defined by the Corrupt Practices Act of 1910. Newberry appealed to the Supreme Court which, on May 2, 1921, declared the Act of 1910 null and void because the constitution did not give Congress the authority to regulate campaigns for nomination to federal office.<sup>17</sup> Newberry took his seat, but only after the Senate had sternly warned against such expenditures in future contests.

As a result of the Newberry case, the Senate had re-cast the Corrupt Practices Act. The new act, under which Vare was tried, provided that:<sup>18</sup>

- (1) A Senatorial candidate could spend up to \$10,000 or an amount “equal to the amount obtained by multiplying three cents by the total number of votes cast at the last general election for all candidates for the office which the candidate seeks, but in no event exceeding \$25,000 if a candidate for Senator or \$5,000 for Representative.”
- (2) The following costs were to be excluded: state assessment fees, personal, travel, subsistence, stationery, printing, mailing, telephone, etc.
- (3) Complete reports of expenditures were to be filed with the Secretary of the Senate at stated intervals within five days of the election.

<sup>15</sup> *Contestee's Brief*, 9, 125, 176; *Pittsburgh Press*, January 24, 1929, 6.

<sup>16</sup> *Committee on Elections*, 319.

<sup>17</sup> “Steps to Control Expenditures,” *Congressional Digest*, IX (October, 1930), 230.

<sup>18</sup> “Laws Passed by Congress to Govern Election of its Membership,” *Congressional Digest*, IX (October, 1930), 227-228.

- (4) National banks and corporations under federal charter were expressly forbidden to contribute to political campaigns.
- (5) Campaigns for nomination were specifically excluded from the provisions of the act.

Thus drawn up to conform to the Supreme Court decision that the Senate did not have the authority to judge primary elections, the Act of 1921 clearly established that the Senate did not have the right to bar anyone because of illegal nomination for office. Only in the regular elections, where the court was silent, could the Senate exercise jurisdiction. Vare's lawyers, particularly Beck, were on solid legal ground in holding that the Senate did not have the power to include charges of fraud incurred in the primaries. Nevertheless, despite the court's ruling in the Newberry case, and in the face of the provisions of the new Corrupt Practices Act, the Reed committee refused to disregard Vare's primary fight. Senator Sam Bratton, a member of the committee, brusquely pushed aside these legal obstacles and openly stated that both the primary and regular elections were being utilized by the committee in rendering a judgment on Vare:

Four of us on that committee are united in the belief and so expressed ourselves in our report, that the facts transpiring in connection with the primary, and frauds and illegal practices in connection with the regular election, taint the title of Mr. Vare to the office, and we expect to vote to exclude him on the whole record when the report is considered by the Senate.<sup>19</sup>

The defense disagreed with this conclusion. James M. Beck appealed to the constitution in challenging the right of the Senate to decide the fitness of a "Member-elect." He viewed this as strictly the business of the state. A confirmed conservative, Beck feared that the states were losing their traditional sovereignty as a result of constant encroachments by the national government. The Vare trial was simply another step in this direction. To support his case, he wrote *The Vanishing Rights of the States*, a book noted for its excellent research.<sup>20</sup>

<sup>19</sup> *Cong. Record*, 71 Cong., 2 sess. (December 5, 1929), 129.

<sup>20</sup> Morton Keller, *In Defense of Yesterday: James M. Beck and the Politics of Conservatism, 1861-1936* (New York, Coward-McCann, Inc., 1958), 193; for Beck's specific point see his *The Vanishing Rights of the States: A Dis-*

Finally, Vare's lawyers lashed back at the Senate with the charge that Vare was being denied the right to an impartial trial. They pointed out that the Senate's action violated traditional American legal procedure:

It is further submitted that it is not a contest on behalf of the United States Senate, which must act in a judicial capacity, and therefore could not be a party to the proceeding either directly or indirectly because it would then be a judge in its own contest.<sup>21</sup>

The Senate refused to budge from its position. By the summer of 1928, more than ever satisfied that it had enough evidence to unseat Vare, the Reed committee was ready to file its final report. It hoped to close testimony by having Vare appear in his own behalf. But in August Vare fell desperately ill with a paralytic stroke that left him semi-bedridden. He was taken to his cottage in Florida to convalesce, and any chance of his appearing in Washington was again delayed. In November, being slightly improved, he was forced back to Philadelphia to deal with an uprising against his rule of the organization by his trusted cohorts, Mackey and Greenfield.<sup>22</sup> He succeeded in suppressing the revolt, but paid the price of demonstrating his ability to resume a relatively normal life. Thereupon convinced that Vare was well enough to testify, Reed insisted, in January, 1929, that he put in an appearance. When Vare balked, begging illness, Reed decided that as far as he was concerned the case was closed, and all that remained was for the Senate as a whole to determine "the accuracy of the facts gleaned from the record."<sup>23</sup>

On February 22 he filed the long-awaited report which, as ex-

*cession of the Right of the Senate to Nullify the Action of a Sovereign State in the Selection of its Representatives in the Senate* (New York, George H. Doran Co., 1926), 17.

<sup>21</sup> *Contestee's Brief*, 7.

<sup>22</sup> Salter, *Boss Rule*, 214. The revolt was a direct outgrowth of Vare's illness, which made him an absentee leader and induced his underlings, especially Mackey, to attempt to seize control of the organization. The two sides were never completely reconciled, and although Vare continued to hold the upper hand in Philadelphia, Mackey was still able to control several wards.

<sup>23</sup> *New York Times*, January 5, 1929, 10. Reed wanted to use the Vare case as a lever to close off the impending debate on the Kellogg-Briand Pact, which he opposed. The move was dissipated when Reed decided to grant Vare another postponement. See *ibid.*, January 3, 1929, 1, and *Time*, XIII (January 7, 1929), 11.

pected, recommended that Vare not be seated. Yet, once more he granted a reprieve by deferring any further action until the next session of Congress because the present session had run short of time. Although this was the primary factor in moving Reed to offer a delay, it was also true that physicians had now assured him Vare was still very ill, and he in turn graciously agreed, in his own words, not to "hit a man when he is down."<sup>24</sup>

The report naturally caused Vare and his aides to despair. Beck had already confided to Joe Grundy that all was lost, and during the summer, after submitting a last brief denying all charges, Vare himself solemnly predicted he would be barred. Even Senator King, on whom the Vare forces had pinned great hopes, now concurred with his colleagues.<sup>25</sup> As an aftermath of the 1926 race, a series of trials was held throughout the state. In one such trial, coming as it did at this critical juncture in the case, three Pittsburgh election officials were sent to jail after testifying that "they always do it that way in Homestead."<sup>26</sup> Such trials focused national attention on the case and helped condemn Vare in the eyes of a public which little understood the complexities of Beck's state-rights theory or the exact ruling on primaries by the Supreme Court.

On September 9 Senator Norris began the last phase of the fight by introducing a new resolution (S.R. 111) denying Vare admission. Debate on the Senate floor stretched out for two weeks until it was agreed to defer action until December. The latest reason for delay stemmed from Vare's request that the votes of thirty-one more counties should be counted. The matter rested there until the December 3 deadline was reached. Norris then reintroduced his resolution with a scathing attack on Vare and a demand that the Senate finally settle the controversy with a vote.<sup>27</sup> On the following day, Vare played his last card by testifying

<sup>24</sup> *New York Times*, February 23, 1929, 9. Reed and Norris were determined to give Vare a chance to testify himself, but they were equally determined not to allow him to halt proceedings by feigning illness.

<sup>25</sup> *Ibid.*, May 26, 7, August 12, 1929, 1.

<sup>26</sup> *Ibid.*, July 9, 1929, 18. This trial was only one of many that were held in connection with the 1926 race, but it came at an awkward moment. Reed was pushing hard for a showdown during the summer, and the trial re-emphasized Vare's misdeeds.

<sup>27</sup> *Cong. Record*, 71 Cong., 2 sess. (December 3, 1929), 37-43.

before the committee. Leaning heavily on a desk under the watchful eyes of his physicians, he spoke for about twenty minutes:

The charges made against me so preyed on my mind that I trembled upon the very edge of eternity. . . . I never stole an election. . . . How unfair and unjust my accusers have been in attempting to twist mere clerical irregularities and technicalities into acts of political fraud and conspiracy. . . .<sup>28</sup>

The Senate was unmoved by his words and on the next morning coldly crushed him with a vote of 58-22. Wilson was also denied the seat by a vote of 66-15. The Vare case was finally put to rest.

The decision evoked a welter of divergent opinions. Vare remained bitter to the end. In his autobiography he wrote:

This was in all probability the most merciless investigation conducted by any committee of the United States Senate. Its cause, in my opinion, as a victim of misplaced zeal, was never swayed by any motives of patriotic purpose, but was handled purely to manufacture capital for the Reed boom for President of the United States and to assist the Democratic Party, abetted by the so-called "progressive group," likened later by Senator George H. Moses of New Hampshire to "wild asses," to spread unfair propaganda at the expense of Pennsylvania.<sup>29</sup>

Vare obviously placed great emphasis on the fact that Reed was a serious contender for the Democratic presidential nomination in 1928. Reed, in fact, had fought hard to secure the nomination and certainly the Vare trial boosted his cause—though Al Smith eventually smothered his hopes in the primaries.

Newspapers across the country were divided in their opinions. A survey conducted by the *Literary Digest* showed that some agreed with the Senate's verdict while others felt that Vare should not have been tried before he had been seated as an official member.<sup>30</sup> The *New York Times* had already condemned Vare with a striking editorial as far back as February, when the Reed report had first been made public:

The old Philadelphia masters are as expert ballot-stuffers, makers of false registrations, liberal counters, all-around

<sup>28</sup> *Time*, XIV (December 16, 1929), 14.

<sup>29</sup> William S. Vare, *My Forty Years in Politics* (Philadelphia, 1933), 169.

<sup>30</sup> "Vare Waterloo," *Literary Digest*, CIII (December 21, 1929), 9-10.

practicers of all the arts of political shenanigans, as can be found anywhere outside of Chicago; and Pittsburgh again merits dishonorable mention.<sup>31</sup>

A vigorous voice subsequently raised against the Senate decision was that of Dr. John T. Salter. An assistant professor of political science at the University of Pennsylvania in 1930, he made an extensive study of the Vare machine on a grant from the Social Science Research Council. His research and his numerous articles marked him as perhaps the outstanding authority on the Vare machine. Professor Salter condemned the machine in general, but in 1935 rendered his judgment of the Senate's ruling with this interesting statement:

Three years later the United States Senate refused Vare admission, not for any illegal act, but for general reasons similar to those that closed the portals of the Union League to him—he was a ward politician without any social background; in addition to that, his campaign expenditures had been excessive.<sup>32</sup>

Salter's implication that excessive campaign expenditures were incidental to the final decision reduces the Senate to a flagrantly partisan and exclusive body of aristocrats who deliberately refused to seat Vare on grounds other than illegitimate election to office. It would appear that Salter agreed with Vare's statement that there was a self-righteous Progressive conspiracy which persecuted one particular boss because of its long-standing hatred of bossism in general. Moreover, Reed's ambition to enter the White House played a crucial role in the whole proceeding. In short, Vare was judged guilty before the committee had even begun its work, for he was perhaps the outstanding symbol of corrupt bossism in America—and most Senators wanted to express their concern for political purity. If for no other reason, Vare had to be destroyed because he was a political boss. By ridding the nation of one boss, the fight for clean government was brought that much closer to completion. Such a view would account for Senator Bratton's roughshod treatment of the Supreme Court's ruling on primaries

<sup>31</sup> *New York Times*, February 23, 1929, 12.

<sup>32</sup> John T. Salter, "The End of Vare," *Political Science Quarterly*, L (June, 1935), 218.

in the Newberry case, for the rigid stand of the Senate in dictating to the states the qualifications of a Senatorial candidate, and for the Senate's refusal to see that its verdict might be prejudiced because it was a "judge of its own contest." What the committee regarded as justice took precedence over what was constitutional.

The Senate's treatment of the next two Pennsylvanians to occupy the vacated seat followed the general pattern of the Vare case. During the week following Vare's ouster, the noted Progressive Senator Gerald P. Nye of North Dakota took up where Reed had left off, warning Governor Fisher that the replacement for the vacancy would have to be a man not connected with the "Mellon-Grundy-Fisher machine." "We cannot damn one ill-smelling Pennsylvania machine without damning the other."<sup>33</sup> But as governor, Fisher was not to be denied a free choice, and he unhesitatingly appointed Grundy. As expected, Grundy was examined by the new Nye committee but was cleared. In the special election for the seat in 1930, Pennsylvania sent James J. Davis, former Secretary of Labor under Herbert Hoover, to replace Grundy. On the ground that his election had also possibly been tainted with excessive campaign expenses, since he had been supported by Vare, Nye again launched a series of hearings to investigate the contest. Davis was exonerated in 1931 and served out the full term.<sup>34</sup> These two cases indicated that the stigma of the Vare episode lingered on to haunt Pennsylvania's political life. Indeed, it was not completely removed until the Democratic onslaught of 1932-1934 broke the political web of the Republican party in the state.

<sup>33</sup> *Time*, XIV (December 16, 1929), 15.

<sup>34</sup> See, for example, *Inquirer*, December 1, 1930, 1, 4.