

# GRACE ATTACKS TILLMAN

TILLMAN TAKES WATER—AFRAID TO EXPOSE WHALEY—PITCHFORK NOT WORKING.

(Continued.)

U. S. Senate, July 28, 1913.

Hon. John P. Grace, Charleston, S. C.

My dear Mr. Grace: I am in receipt of your letter of July 25th, and have read it with care. I note the question of an "old time Tillmanite" to the effect that he does not understand why I do not jump into the fight against Whaley on the same grounds that would induce me to protest the swearing in of Blease, should it develop that his election was bought. The answer to this is simple. I am a member of the senate and have a right to speak from the floor of the senate and to command attention. I am not a member of the house of representatives, and while as a member of the senate, I am entitled to the floor of the house, I have no rights under its rules to address that body. This you know as well as I do.

I love my state, its honor, and its good name; and I am not willing to bring either its honor or its good name into question upon hearsay testimony or belief, nor am I willing to confess the incapacity of the people of South Carolina—keeping in mind their proud history—to rectify any wrongs that may exist among them or to govern themselves in accordance with the best tradition of civilized government. For me to confess such a thought would be an admission of my disbelief in the capacity of my State, with its splendid history and its great accomplishments in the past, to govern itself. I do not believe that you believe South Carolina is incapable of self-government; and if you thought so, I am sure you would be ashamed to confess it.

While I am not in accord with the dominant political factors in South Carolina at this time, and while there is much to criticize in the conduct of the affairs of the State, I do not agree with you that "the public is already scandalized at South Carolina."

But even if your statements were true, I have made up my mind, after conference with those who love the State as much as do you or I, that the State itself with the facts before it should not only be given the chance through its legislature and the Democratic State convention to handle the situation in the interest of pure elections, but I am equally persuaded that if given the opportunity, she will see to it that her elections are clean and that the Democratic party, in its convention having had the opportunity to cleanse its own stable, will cleanse it. I have not changed my opinion as expressed to you in my letter of May 12th; "I would rather you fall in and help me, as you can most effectively to reform State politics through the State convention next time it meets, by changing the rules of the party and fortifying all along the line against fraud and corruption; and then go to work when the legislature meets again to see that the statutes are changed in regard to primary elections so as to preserve the purity of the ballot among white men."

You will recall that in a recent interview I urged upon Governor Blease to use his powerful influence with the legislature for the enactment of such legislation as would protect the purity of the white man's ballot in the primary and the general elections. I do not know what Governor Blease is going to do, and no one else knows; nor can I say what the legislature will do. But as a last resort, if the legislature fails us, we can go to the Democratic party and by agitation and making a few speeches, I know that the people will rise in their wrath and compel a reform of the party constitution, because there is nothing more certain in politics than this: We have had the last primary in the State unless the people become satisfied that they can vote at the primary and have their votes honestly counted.

This has been the course which has appealed to me all the while since you first brought this Whaley matter to my attention; and the more I consider the consequences of your suggestion for an immediate congressional investigation, the more convinced my judgment becomes that my first opinion is the proper and only one, if we are to have any regard for the good name of the State and for the future of our party.

I do not question at this time the motive which prompts you to insist upon the "washing of the dirty linen of South Carolina" here in the capital of the nation. It has too much of the appearance of malignancy and personal spite and a desire for revenge on your part, and you cannot escape that verdict throughout the State if you press it. But your cooperation with me to have the Democratic party of South Carolina and the legislature of South Carolina reform the situa-

tion in the State can be attributed to no other motive than that of the highest patriotism.

If you will permit me to do so, I will be glad to submit copies of the affidavit left with Congressman Johnson, and such other affidavits as you may submit to the chairman of the State Democratic committee, the Speaker of the House of Representatives, and the President of the State senate, that both the head of the Democratic party and the heads of the State government in the legislature shall be advised of the situation in the first congressional district as you see it. If this course is followed, I believe that the moral sensibilities of the people of South Carolina can be so aroused in the meantime as to force both the legislature and the Democratic party to reform the system of primary voting in such a manner as to make corruption absolutely impossible, and in this kind of an effort you may depend upon me to the fullest.

You overlook the responsibility which your wishes impose on me. You are asking me to pursue a course which you admit would cause the people of South Carolina to hang their heads in shame, and asking me to do so without giving to the people of the State through its legislature or its dominant political party of which you and I are members, the chance either to confess their inability to deal with the situation or their desire that I should be made the vehicle by which the State may be brought into shameful publicity, in order perhaps, as many think, that you may be given the opportunity to prosecute your political enemy.

Very sincerely yours,

(Signed)

B. R. Tillman.

(Continued.)

Charleston, S. C., July 31, 1913.

Hon. B. R. Tillman, U. S. Senate, Washington, D. C.

My dear Senator Tillman: In my letter of July 25th I had told you that it would be the last time I would appeal to you to assist me in the Whaley matter; and I am replying now to your letter of the 28th, not to make any further appeal, but to keep the record straight. I see now that I should have avoided you from the start. You are not a free man. I cannot let the occasion pass, however, without utterly denying and disclaiming the motives which you attribute to me. Although it would be false for me to claim that I anything but despise Mr. Whaley, or to deny that it would give me a great deal of satisfaction and vindication to see him unseated; yet for you to intimate that my conduct is a matter of "malignancy and personal spite and a desire for revenge," and to make it appear that from such motives I am going to the lengths to which I am going in this case is simply to willfully, but unskillfully, prevent the facts. You have promised to take the very same course if Blease goes to Washington by corruption and perjury. There are seven congressional districts in South Carolina. In order for Blease to be as guilty as Whaley, he would not only have to commit seven times as much bribery as Whaley, but as much perjury. In other words, just enough of the one to "elect" and of the other to "seat" him. Regardless of the feeling which you have against Blease—in which I join, and which we will say corresponds to mine against Whaley—I think the people of the United States would gladly relieve you of the stigma of "revenge and malignancy" if you would do your duty in the Blease case; nor would it argue at home any lack of patriotism or love of Carolina for you to do it. I believe in Home Rule and State rights. It has been bred in my bones. But South Carolina is a part of the American Union. She was not only one of the thirteen original States (one of the most gallant of them) but when the war of the Revolution was over, it was a South Carolinian who wrote most of the Constitution of the United States. It is under that constitution our government is organized and you are a senator; and you have taken an oath to uphold it. So has Mr. Whaley. That constitution fixes definitely the bounds of the State and national government. There is no "twilight zone." The lines are only indistinct if the vision of so-called "statesmen" is indistinct. In her jurisdiction the United States is as supreme as is South Carolina in her's. I am not asking the United States to invade the proper sovereignty of our State. I am not asking congress to intervene in local politics. I am simply asking, under the constitution and laws made in pursuance thereof, that congress say whether or not Mr. Whaley bought and perjured his way into con-

gress. The Democratic party of South Carolina, with all due respect to it and you, has nothing to do with this issue; nor has the legislature of our State. If either one of these bodies could remedy this matter, there would be something sensible in your view. This matter has passed out of the cognizance of the State. Under the constitution, congress alone has power to decide the qualifications of its members. You recognize this in the Blease case; and at first you recognized it in the Whaley case, because I have it from you in writing, as well as by word of mouth, that if my facts were true, you would glory in taking a hand in the matter. What did you mean by these words:

"You say you 'are ready to prove the facts of bribery and corruption in the recent primary,' and you say, 'you will be heard in Washington.' Come on to Washington, Mr. Grace, and I will help you in any way I can to be heard. While I am not a member of the house, and therefore, you cannot appeal to Caesar' in my person, I am a senator and have some influence with both members of the house and senate, and will facilitate to the fullest degree any exposure you are able to make of corruption and fraud in the recent primary in our State. While it would bring the name of South Carolina into discredit and disgrace it, and cause every true South Carolinian to hang his head in shame, if it is necessary to go to that length in order to 'cleanse the Augean stable,' I say let us have it done and quit blustering."

That was what you wrote me nearly three months ago. The words underscored, and particularly the word "I will," in the sentence, "Come on to Washington, Mr. Grace, and I will help you in any way I can to be heard," were underscored, not by the typewriter, but by pen and ink, presumably by you; clearly manifesting a then determination upon your part (after reading over and reflecting upon what you said) to help me. If my facts are not true, of course there would be no "washing of dirty linen in Washington;" and I would be humiliated and discredited. If they are not true, there should be no one quicker than Mr. Whaley to demand an investigation, even though you are now backing water in the matter. I do not recede one inch, though, from what I have said about deplorable conditions within our State. My memory is good. I recall that you yourself, last summer after the Blease election, so-called, threw cold water upon even the Democratic party taking steps to investigate that election. It was suspected, and in the light of this correspondence it can well be believed that your motive then was fear that your own election would be upset along with the whole primary; and that you would have to run over again and that a feeling engendered against you in the last days of that campaign might cause you to lose—as you did nearly lose, anyhow. I do not think that South Carolina would "hang her head in shame" if a repetition of the Whaley matter in either branch of congress could be prevented by congressional action; and what is more to the point, I will not allow you to put such words in my mouth, as you do when you say "You are asking me to pursue a course which you admit would cause the people of South Carolina to hang their heads in shame." Point out to me where I said any such thing. Instead of hanging her head in shame, she would be proud of the fact that it was she who helped largely to write the constitution, and that by it, in the last analysis, her honor had been saved, not lost. In the face of what I have told you, and what I am sure you have heard both through the press and from responsible men in this district, I do not believe you can be sincere in intimating that the character of my proof is doubtful, as you do in these words:

"I love my State, its honor and its good name; and I am not willing to bring either its honor or its good name into question upon hearsay testimony or belief; nor am I willing to confess the incapacity of the people of South Carolina—keeping in mind their proud history—to rectify any wrongs, etc."

You are not afraid, nor is Mr. Whaley, nor can anybody be afraid of the quality of my proof; or that the case rests upon "hearsay testimony or belief." You know that the proof is clear. If it is not, then the word that has gone forth throughout the land that Mr. Whaley sits in a bought seat, a bought and perjured seat, will be shown to have been a vile slander and South Carolina and Mr. Whaley will be proudly vindicated. South Carolina should hang her head in shame now, because of the conditions which have existed for a long time and gone from bad to worse. Instead of permitting you to put me in the position of bringing any shame upon South Carolina, I want to tell you that I am already so ashamed of her and so ashamed of what the world knows of her that I am willing to do anything to redeem her; and shouldering a gun would be the least of these things. I have always ad-

mired what Danton said on the way to the guillotine: "Let France be free though my name be accursed." If South Carolina were free, that is, free under the constitution, I would be the happiest man in her borders. All that I am working for is to bring about, as an actual living reality, the full enjoyment of the institution for which the founders of this republic fought on the battlefield; and for which my own father fought on the fields of the Confederacy. The last thing that occurs to me is what the people think about me; notwithstanding I would wish them to think well of me. I am genuinely content when my own conscience is clear, though all the world might doubt me. Hence I am not interested in that part of your letter where you adroitly appeal to my ambition by suggesting that what I should do new in this matter is only that which hereafter the people will applaud. You say:

"I do not question at this time the motive which prompts you to insist upon the 'washing of the dirty linen of South Carolina' here in the capital of the nation. It has too much of the appearance of malignancy and personal spite, and a desire for revenge on your part, and you cannot escape that verdict throughout the State if you press it. But your cooperation with me to have the Democratic party of South Carolina and legislature of South Carolina reform the situation in the State can be attributed to no other motive than that of the highest patriotism."

That might appeal to some of your friends here who are timeserving politicians only. But my ear is not to the ground; I hope my eyes are fixed on the stars. And to such an extent am I willing to go that I believe, with tranquil voice and without a tremor, I could say with Danton, "let South Carolina be free though my name be accursed." I do believe that all we need is an honest, broadminded application of our already constitutionally guaranteed rights. If I had a case to be tried and I thought the atmosphere of the federal courts most suited to its trial, I would step over into U. S. Judge Smith's court and claim that jurisdiction; and I would do so without the remotest feeling that I was reflecting upon my native state in passing by our county court house on the way. How much more so then should I seek relief in Congress in the Whaley case, when there is no other jurisdiction?

There is such a thing as the fitness of things. Every atom of the universe moves in its proper orbit; but always, nevertheless, governed by two conflicting forces, the centrifugal and the centripetal. Sometimes the equilibrium is preserved by one and again by the other. It was the recognition of this law that gave origin to our government. These are times when there is too much Washington and we fall back upon the states; and again, when our states are pulling down our ideals, we fly to the national capitol. There is no lack of patriotism in either; but simply a balanced knowledge of our constitutional system.

I cannot follow you in your hair-splitting distinction between the Blease and Whaley case. Passing by your pretended original zeal as expressed in your letters and in your conversations to bring Mr. Whaley to justice, I submit that there is not even a hair-splitting distinction between your duty in the matter. You say:

"The answer to this is simple. I am a member of the senate and have a right to speak from the floor of the senate and to command attention. I am not a member of the house of representatives, and while as a member of the senate I am entitled to the floor of the house, I have no rights under its rules to address that body. This you know as well as I do."

I certainly do; but I just as certainly do not think that you should take steps against Blease in the senate only because accidentally you happened to have the "right to speak from the floor." Your rights have nothing to do with either Blease or Whaley's wrong-doings. I thought you had given up speaking from the floor of the senate, anyhow. What a bad fix then, South Carolina would be in if you decided not to raise your eloquent voice in the senate. Would Blease go there with a clean bill of health simply because your health was bad? Would your labored distinction be enough to leave his seat uncontested? I want to tell you that though I have no voice upon the floor of the senate, if you will show your good faith and keep your word by assisting me as you said in your letter of May 12th, by using your influence with both members of the house and senate, I will do my utmost when the Blease time comes, if the facts warrant it, to present as strong a case in Washington against him as I am now ready to present against Whaley. This alleged distinction, senator, will not do. It will not go down. The whole procedure that you suggest amounts simply to compounding a felony. In your heart you know that Whaley is guilty. In a recent newspaper interview you almost said so. Was your interview intended to dishonor South Carolina?

Of course not. Out of the fullness of your heart, your mouth spoke, which is always a good thing. But it would be dishonoring South Carolina; it would be striking at the vitals of government for a senator to have daily official dealings with an alleged congressman, while he knew deep down in his heart that he was no congressman at all, but that he was a corruptionist and a perjurer. You are compelled to speak and to act, or you will be accomplices criminals. You will be an accessory after the fact, regardless of the future of what the Democratic party may do and the legislature may do. You are now dealing with the past, and you have no right to cover it up; and I appeal to you in the name of South Carolina. Consider the facts: George Legare died; there was a hasty, pell mell, precipitate primary. Half the time before that primary, because of a conflict between the governor and the State Democratic committee, it was uncertain whether or not the election would be held before or after the primary. As a matter of fact, the election was fixed for a date before the primary. That was the ridiculous extent to which we had come. Then there had to be a meeting of the executive committee, and the date of the primary was pushed forward until substantially no time remained. The primary was held only about two weeks before the election. In the midst of it all, primary, election and the swearing in of Mr. Whaley a few days thereafter, there was the greatest confusion and debauchery. There was no time for redress within the State. There was no time before he took his oath of office. You know it. You know that while I was in Washington, and you were pretending to help me, Mr. Whaley was rushing his certificate of election so that he might take his false oath and be seated before the machinery of justice could be stirred. But great rights and great principles certainly cannot depend upon the haste of action. The only question is: Is Mr. Whaley rightfully entitled to his seat?

But you are also equally muddled about fixing the law so as to prevent such a thing in future. You talk as if no laws existed. Turn to the Criminal Code of South Carolina. There is a whole subchapter devoted to laws meant to meet the Whaley case, with this one exception: that they do not provide for a forfeiture of his seat. Twenty-one sections define and describe crimes against elections, covering every imaginable corrupt practice, enacted, many of them, years and years ago; but inefficacious and as innocuous as a law against the rise of the tides unless they be supplemented by one small law, the law of restitution, and that is, that the thief and the perjurer shall restore to the people the election which he stole. So far as the law is concerned, that is the only amendment I would suggest. And it would be nothing but what nearly all other States have passed, and what from the beginning of time has been the basis of all law, that the injured party shall be placed as nearly as possible in his original status. There is a penalty against larceny. It is also a fact and the law if the stolen goods can be located, they will be returned to the owner. In this case the stolen property has been located and Mr. Whaley is sitting on it. It does not belong to Mr. Whaley but to the people of the First congressional District of South Carolina. It should be handed back to them so that they and not you, in your discretion and for your political convenience, might say to what good man they shall for a time entrust it. But even with the state law amended, all future cases like Mr. Whaley's would have to be tried in Washington. Congress is the sole tribunal; so that even these convenient theories of yours fall to the ground. Washington, under the constitution, is still the place, and what you would call "washing our linen in public" would still have to be done, in the literal meaning of the word, in the only legal washing town.

I am enclosing you a copy of the case of Gill against Catlin, which I would ask you to return upon reading. That was a case where the law of Missouri provided that congressmen should be ousted if they exceeded the legal maximum of expenses. The ousting was in congress, not in Missouri. The washing of Missouri's linen was done there; and it was this law that the Act of Congress was fashioned after. Missouri is still a proud state, and furnishes the Speaker of congress.

Just one word in conclusion. Of your own volition, you told me when I was in Washington that nobody could construe my action as personal and vindictive. I had called to your attention that, in all my defeats in politics where I was a candidate, I never raised my voice; but you volunteered to tell me that you agreed with me that this case was different. I am not the losing party. But I do realize that my name was maliciously bandied about in the campaign; and the thing that first called me to Washington was that even there I had been held up as the great corruptionist.

Now I have shown you who the corruptionists are. I am not only fighting for the good name of South Carolina, but my own, and I have challenged my enemies on the very ground where they have most maligned me; and it is unfair, cowardly and a complete evasion of the issue for you and your corruptionist friends in this community now to resort to the old "catch thief" tactics by pretending that the publicity which I am giving to this matter is wrong and unjustifiable; whereas they filled the newspapers throughout the campaign and poured into your ears, among others, after the election, that things here were horribly corrupt, but that I and not they, was the corruptionist. You and they have blackened my name and, through my name, a people and a community; and you slink away when I come before you ready to do some service to my State.

Yours very sincerely,  
(Signed) John P. Grace.

## What a Minnesota Town Spends for Schools.

When I asked Mr. A. O. Nelson, the hustling, red-headed, wide-awake leader of co-operation in Svea, what was their rural school tax, he almost struck me dumb when he answered promptly:

"Seventeen mills or \$1.70 on the \$100 of property!"

Of course, this is something unusual. It is, in fact, nearly double the local school tax the Svea folks usually pay. Two or three years ago, however, they decided they wanted a handsome new building and industrial features—agriculture for the boys and domestic science for the girls—together with transportation of pupils living over two miles from the school (two miles in a blizzardy Minnesota winter is the equivalent of four miles in the South) and so the folks didn't say, as I fear they would have said in nine-tenths of our Southern communities, "Well, we have got to the thirty-cent limit for local school tax and they ain't nothing more we can do." The State of Minnesota, realizing that the education of the people is the life of a State, imposes no such hampering limitation upon the tax its people may vote for education; and the people of Svea set no such miserly limit upon their support of schools for their boys and girls. One dollar and seventy cents on each \$100 worth of property was the tax they voted although they had only one school organization of keep up. Our Southern communities with two separate school systems to maintain frequently boast themselves mightily for voting thirty-cent tax on themselves. We Southerners have simply got to go down into our jeans for more money if our farm boys and girls of the new generation are not to be hopelessly outdistanced by the thoroughly equipped, practically trained boys and girls of other sections.

Eight months term a year with two teachers—a man who teaches agriculture, a woman who teaches domestic science; compulsory attendance from eight to sixteen; free text books for all pupils; a good school library; reproductions of noted pictures on the wall—all these together with a prospective eight-acre school farm, have the farm parents of Svea provided for their boys and girls; and we of the South can provide similar opportunities for our children whenever we are willing to make similar sacrifices—or investments. And twenty years from now we shall have an incalculably richer country if we are willing to make such investment sacrifices than if we are not.—Clarence Poe, in The Progressive Farmer.

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