

WEST VIRGINIA HISTORIES
VOLUME 3 EXCERPT



BRIBERY, THE GREAT LEGISLATIVE
BRIBERY SCANDAL OF 1913

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WEST VIRGINIA HISTORIES VOLUME 1

UNIQUE PEOPLE, UNUSUAL EVENTS,

AND THE OCCASIONAL GHOST

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This pair of articles is excerpted from a work-in-progress, West Virginia Histories, Vol. 3: Crime, Politics, and Other Disasters, by Gerald D. Swick, to be published by Grave Distractions Publications, Nashville, Tennessee. The date following each title is when the articles originally appeared in the Clarksburg Exponent Telegram newspaper as entries in Swick's weekly "Once, Long Ago" column.

BRIBERY, PART 1

THE GREAT LEGISLATIVE BRIBERY SCANDAL OF 1913

November 12, 2006

The negative political ads and automated phone calls that supposedly win our hearts and minds are finally over. It almost makes you long for the days before the Seventeenth Amendment, when United States senators were chosen by state legislatures instead of by direct election.

Of course, that system had its own problems, as the last West Virginia legislature to elect a senator proved.

On February 10, 1913, Samuel Ulysses Grant (S. U. G.) Rhodes, member of the House of Delegates from Mingo County, was arrested in a Kanawha Hotel room. He had \$16,200 in his pockets, money given to him to buy votes among legislators who were in the process of electing West Virginia's next U. S. senator. The man who had given him the money turned out to be a private detective.

Rhodes was just the first elephant in the parade. In short order, state senator Ben Smith of Roane County and delegates Rath Duff of Jackson, David E. Hill of Mason, and Dr. T. J. Asbury of Putnam walked into the same room and were arrested. All carried \$1,000 or more.

Asbury, the only one to speak, declared, "This is a set up job, and someone put the money in my pocket."

Apparently that same someone had stealthily pinned two grand in Rath Duff's vest pocket.

The story spilled out of the pages of the *Charleston Daily Mail* the next day.

Republicans had a small majority in the legislature – enough to elect the next Senator – but they were split between Isaac Mann of Mercer County and Davis Elkins of Randolph. Clarence Watson of Marion was the Democrats' nominee.

Colonel William Seymour Edwards, an explorer, author and delegate from Kanawha County, was a disenchanted Republican hoping to win the Senate seat as an independent Bull Moose candidate.

Reportedly, some legislators had offered to sell Edwards their votes and to sway others to do the same. All were Republicans; if enough of their majority party backed Rhodes, he might win the senatorship as a compromise candidate due to the Mann-Elkins deadlock.

Instead, Edwards reported the matter to Kanawha County's prosecuting attorney, who recommended he contact the William J. Burns National Detective Agency of New York, which had experience investigating such affairs. William J. Burns himself came to Charleston to conduct the investigation.

Several of Edwards's friends put up money to bait a trap for the shady politicians, but getting the goods on them proved difficult. Burns, operating under a pseudonym, tried to sound them out, but he said, "They refused to talk except in parks and resorted to the use of a pad and pencil and even pleaded being 'deaf and dumb,' using their fingers to indicate the sums of money wanted

... however, we were able to install dictographs and telegraphones in nearly all of the rooms of those suspected of buying and selling votes, and in this way were able to secure evidence.”

Dictographs and telegraphones were early recording devices that could be employed surreptitiously.

Within days, more legislators came forward saying S. U. G. Rhodes had tried to buy their votes.

T. J. Smith of Doddridge County, a Church of Christ pastor for 30 years, said Rhodes offered him a “present” of \$2,000 if he would vote for Edwards. Smith refused, but said \$100 was forced on him “for expenses.” He returned the cash along with a letter rejecting the offer, notarized a day after the news broke about the arrests.

George S. Van Meter from Grant County and John M. Smith of Tyler, the oldest member of the legislature, were also approached. Van Meter, a justice of the peace, said a roll of bills was forced on him, which he marked and turned over to the attorney general after checking the law on bribery.

If West Virginians were shocked by all this they hadn’t seen anything yet. The circus was just beginning.

Next week: Kill the messengers.

BRIBERY, PART 2

LEGISLATURE TRIED TO ABOLISH COURT DURING SCANDAL

November 19, 2006

Last week, we began the tale of five West Virginia legislators – four representatives and a state senator – who were arrested February 10, 1913. The legislature was in the process of choosing a new United States senator (This was before senators were elected by direct vote of the people.), and the five stood accused of attempting to buy votes for Colonel William Seymour Edwards.

Edwards himself had initiated the investigation, going to the Kanawha County prosecuting attorney after some legislators offered to sell him their votes. He even called in the William J. Burns National Detective Agency of New York.

If he expected accolades for exposing corruption, he was sadly mistaken.

The *Charleston Daily Mail*, February 12, printed opinions from several legislators who believed Edwards had set the whole thing up himself in hopes of winning the U. S. Senate seat.

Overnight, he became a pariah. Then, on February 13, he was arrested, allegedly for trying to bribe Delegate John Smith of Tyler

County, oldest man in the legislature. The warrant had been sworn out by S. U. G. Rhodes, ringleader of the five arrested earlier.

Rhodes's attorney said, "Edwards was caught redhanded ... and in saving himself he sought to drag down his friends and supporters."

Interestingly, in the same statement the attorney claimed Edwards had set the alleged plot in motion months earlier, long before anyone was "caught redhanded."

At Edwards's hearing on February 18, Rhodes failed to appear. John Smith testified that Edwards never offered him a bribe, but Rhodes had. The case was dismissed.

In the meantime, a special grand jury of the Kanawha County Intermediate Court summoned all members of the legislature to testify, although it could not compel them to do so.

Legislators saw their duty clearly and sprang into action: they introduced legislation to abolish the impudent court.

A bill to that affect was railroaded through the House of Delegates like a red-ball freight, bypassing committees and getting two readings within hours. It was on its third and final reading before passage when several delegates returned who had voluntarily gone to testify to the grand jury.

One of them, a Kanawha County representative, was outraged a court in his district had nearly been abolished when he was absent. The bill was tabled following his heated denunciation.

The grand jury wrote in its final report, "We deeply deplore the attempt made on the part of some members of the Legislature to abolish this court while we were conducting this investigation."

In the end, all five of the accused legislators—Rhodes, Rath Duff, Dr. T. J. Asbury, David E. Hill, and Senator Ben A.

Smith—were convicted and their prison terms upheld by the state Supreme Court, according to the *Clarksburg Exponent*, January 31, 1914.

But what about the senatorial election in which they had tried to sell their votes?

Democrats, the minority party, had little hope of victory for their champion, Clarence Watson. The Republicans deadlocked between Isaac Mann and Davis Elkins until February 21, when they agreed on a third choice in order to break the logjam. With 60 votes, the Senate position went to Nathan Goff Jr. of Harrison County.

Colonel Edwards did not get a single vote. He belatedly announced he had always been a loyal Republican and was not an independent candidate, which earned him derision in newspapers from *The Wyoming Messenger* to the *Weston Independent*.

He never again held elected office, according to his obituary in the *Cornell Alumni News*, January 6, 1916. This obituary also says he was Speaker of the House in the West Virginia legislature 1893–1894.

This was the last election of a senator by our state legislature. The Seventeenth Amendment to the U. S. Constitution was officially ratified May 31, 1913, just months after the scandal in Charleston occurred. It turned senatorial elections over the people, which is why we now get barraged with stomach-turning ads and automated phone calls begging for our votes.

Information for this column came from the *Charleston Daily Mail*, February 11–21, 1913.

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ABOUT THE AUTHOR

Gerald D. Swick's writing has been recognized with a Literary Fellowship in Nonfiction and a Lifestyles excellence in journalism award. In addition to a weekly column that ran in the *Clarksburg Exponent Telegram* his work has appeared in *The West Virginia Encyclopedia* (West Virginia Humanities Council, 2006), *The Encyclopedia of World War II: A Social, Political and Military History* (ABC CLIO, 2005), and in *American History*, *America's Civil War*, *Armchair General*, *Blue Ridge Country*, *Travelhost*, *Wonderful West Virginia* and other magazines. His coffee-table book *Historic Photos of West Virginia* (Turner Publishing, 2010) was authored as a gift to his native state and its people. For several years he served as web editor for the sites of Weider History Group, world's largest publisher of history magazines.



He and Donna D. McCreary solved the 70-year mystery of why Robert Todd Lincoln, eldest son of Abraham and Mary Lincoln, is not buried with the rest of the family. They shared their findings in the Summer 1998 edition of *Lincoln Lore*.

His short fiction has appeared in the *Mist on the Mon* and *Dragons Over England* anthologies and *Appalachian Heritage* literary quarterly. Two of his poems were included in *Wild Sweet Notes: Fifty Years of West Virginia Poetry, 1950–1999* (Publishers Place, 2000).

Born in Clarksburg, he grew up in nearby Stonewood and graduated from Roosevelt-Wilson High School and Fairmont State College.

Gerald has been a featured speaker at national gatherings including the Association of Lincoln Presenters conference, Celebrate History!, and Women in the Civil War. He was interviewed on NBC Radio and PBS, not for his knowledge of history, but for his multiple victories in the annual O. Henry Pun-Off in Austin, Texas.

Apart from inflicting puns on his friends, his hobbies include photography, playing guitar and historical wargaming.

Visit him at his website, www.geralddswick.com.