

Dubuque, Dubuque County, Iowa; to the Committee on Invalid Pensions.

3311. By Mr. SEARS of Nebraska: Petition of several hundred residents of Omaha and Douglas Counties, Nebr., against House bill 78, the Lankford bill; to the Committee on the District of Columbia.

3312. By Mr. SELVIG: Petition of Alfred Swanson and 25 adult citizens of Detroit Lakes, Minn., protesting against the passage of House bill 78, or of any bill that will give preference of one religion above another; to the Committee on the District of Columbia.

3313. Also, petition of Hans Hanson and five other adult residents of Moorhead, Minn., protesting against the passage of House bill 78, or of any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

3314. By Mr. SHREVE: Petition of J. H. Humphrey and numerous residents of Corry, Pa., and Spartansburg, Pa., against the passage of the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

3315. Also, petition of Robert J. Mechany and 200 or more citizens of Erie, Pa., protesting against the passage of the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3316. Also, petition of F. H. DeLand and other citizens of Erie, Pa., against the passage of the Lankford Sunday observance bill; to the Committee on the District of Columbia.

3317. By Mr. SINCLAIR: Petition of numerous residents of Dickinson, Epping, Alexander, Rawson, Williston, Sanish, and Ross, N. Dak., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3318. By Mr. SMITH: Resolution of the Swedish Evangelical Mission Church, of Idaho Falls, Idaho, protesting against the new quota in the Federal immigration law and urging the continuance of the old quota provisions; to the Committee on Immigration and Naturalization.

3319. By Mr. SWING: Petition of citizens of San Diego County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3320. Also, petition of citizens of Holtville, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3321. Also, petition of citizens of San Diego, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3322. Also, petition of citizens of Fullerton, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3323. Also, petition of citizens of Yorba Linda, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3324. Also, petition of citizens of Arlington, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3325. Also, petition of citizens of Orange, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3326. By Mr. TAYLOR of Colorado: Petition from citizens of Paonia, Colo., protesting against House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3327. By Mr. TEMPLE: Petition of Local, No. 1441, United Brotherhood of Carpenters and Joiners of America, Canonsburg, Pa., and Council No. 199, Order of Independent Americans, McDonald, Pa., in support of House bill 25 and Senate bill 1727, known as the Dale-Lehmbach retirement bill; to the Committee on the Civil Service.

3328. By Mr. TEMPLE: Petitions of number of residents of Washington, Pa., protesting against enactment of House bill 78, the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3329. By Mr. THATCHER: Petition of numerous citizens of Louisville, Ky., favoring increased pensions to Civil War soldiers and their survivors; to the Committee on Invalid pensions.

3330. By Mr. THOMPSON: Resolution of the Community Institute, Grover Hill, Ohio, favoring continuance of corn borer campaign; to the Committee on Agriculture.

3331. By Mr. THURSTON: Petition of 37 citizens of Clarinda, Iowa, petitioning the Congress against the passage of House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3332. By Mr. TILLMAN: Petition of various citizens of Arkansas, asking for speedy passage of pension bills; to the Committee on Invalid Pensions.

3333. Also, petition of John Brown and many other citizens of Benton County, Ark., asking for the passage of the Pea Ridge military park bill; to the Committee on Military Affairs.

3334. Also, petition of Ruch Johnson and other citizens of Madison County, Ark., against passage of House bill 78; to the Committee on the District of Columbia.

3335. By Mr. STRONG of Kansas: Petition of citizens of Concordia, Rydal, and Belleville, Kans., protesting against the passage of the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3336. Also, petition of voters of Belleville, Kans., urging enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

3337. By Mr. UNDERWOOD: Petition of residents of Basil, Ohio, and Baltimore, Ohio, favoring pension increase for Civil War veterans and widows; to the Committee on Invalid Pensions.

3338. By Mr. WARE: Petition of citizens of Kenton and Campbell Counties, Ky., asking that Congress increase the pension of Civil War veterans and their widows; to the Committee on Invalid Pensions.

3339. By Mr. WELCH of California: Petition of Charles A. Morris and 190 citizens of San Francisco, Calif., protesting against the passage of the Lankford bill (H. R. 78) compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3340. Also, petition of Clara S. Scouler and several hundred citizens of San Francisco, Calif., protesting against the passage of the Lankford bill (H. R. 78), compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3341. Also, petition of Andre Carlsen and 193 citizens of San Francisco, Calif., protesting against the passage of the Lankford bill (H. R. 78), compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3342. By Mr. WHITE of Colorado: Petition of the Denver Film Board of Trade, Denver, Colo., and sundry other citizens, protesting the passage of the bill known as the Brookhart bill for the regulation, production, distribution, and exhibition of copyrighted films; to the Committee on Interstate and Foreign Commerce.

3343. By Mr. WINTER: Resolution protesting against further restriction of Mexican immigration; to the Committee on Immigration and Naturalization.

3344. Also, petitions against compulsory Sunday observance, signed by residents of Dubois, and Casper, Wyo., against the Sunday observance law; to the Committee on the District of Columbia.

3345. By Mr. WYANT: Petition of Theodore B. Appel, M. D., secretary of health of Pennsylvania, protesting against stream pollution bill (H. R. 9282); to the Committee on Rivers and Harbors.

3346. Also, petition of Northside (Pa.) Unitarian Church, protesting against navy building program; to the Committee on Naval Affairs.

3347. Also, petition of employees of United States district court, Pittsburgh, Pa., indorsing House bill 125; to the Committee on the Judiciary.

SENATE

TUESDAY, February 7, 1928

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, Father of all mercies, we bless Thee for all that Thou art in Thyself, to us as yet unknown, and for all that Thou revealest from day to day. For every creature that ministers to our need; for our homes, our loved ones, and our friends; for the examples of the past and the counsels of the present; for Thine infinite blessings to our fathers and Thy promises to their children—make us truly thankful. And give us such a sense of all Thy mercies that we may show forth Thy praise, not only with our lips but in our lives, by giving up ourselves to Thy service and by walking before Thee in holiness and righteousness all the days of our life. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Asburst	Edwards	La Follette	Sheppard
Barkley	Ferris	McLean	Shipstead
Bayard	Fess	McMaster	Shortridge
Bingham	Fletcher	McNary	Simmons
Black	Frazier	Mayfield	Smith
Blaine	George	Moses	Smoot
Bilase	Gillet	Neely	Steck
Bornh	Gooding	Norbeck	Steiner
Bratton	Gould	Norris	Stephens
Brookhart	Greene	Nye	Swanson
Broussard	Hale	Oddie	Thomas
Bruce	Harris	Overman	Trammell
Capper	Harrison	Phipps	Tydings
Caraway	Hawes	Pine	Wagner
Copeland	Hayden	Pittman	Walsh, Mass.
Couzens	Heflin	Ransdell	Walsh, Mont.
Curris	Howell	Reed, Mo.	Warren
Cutting	Johnson	Reed, Pa.	Waterman
Dale	Jones	Robinson, Ark.	Watson
Deneen	Kendrick	Robinson, Ind.	Willis
Dill	Keyes	Sackett	
Edge	King	Schall	

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House, by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 700) authorizing the Secretary of the Interior to execute an agreement with the middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 391. An act to regulate the use of the Capitol Building and Grounds;

H. R. 445. An act authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana and private owners of land within the State of Montana for grazing and range development, and for other purposes;

H. R. 5501. An act authorizing the Hermann Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Hermann, Gasconade County, Mo.;

H. R. 5603. An act to authorize members of the Civil Service Commission and its duly authorized representatives to administer oaths of office;

H. R. 5686. An act granting a right of way to the county of Imperial, State of California, over certain public lands for highway purposes;

H. R. 6073. An act granting a permit to construct a bridge over the Ohio River at Ravenswood, W. Va.;

H. R. 6487. An act authorizing the Baton Rouge-Mississippi River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Baton Rouge, La.;

H. R. 7013. An act authorizing and directing the Secretary of War to lend to the Governor of Arkansas 5,000 canvas cots, 10,000 blankets, 10,000 bed sheets, 5,000 pillows, 5,000 pillow-cases, and 5,000 mattresses or bed sacks to be used at the encampment of the United Confederate Veterans, to be held at Little Rock, Ark., in May, 1928;

H. R. 7030. An act to amend section 5 of the act of March 2, 1895;

H. R. 7032. An act authorizing the Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or near Canton, Ky.;

H. R. 7034. An act authorizing the Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or near Smithland, Ky.;

H. R. 7035. An act authorizing the Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near the mouth of Clarks River;

H. R. 7909. An act to authorize the maintenance and renewal of a timber-frame trestle in place of a fixed span at the Wisconsin end of the steel bridge of the Duluth & Superior Bridge Co. over the St. Louis River between the States of Wisconsin and Minnesota;

H. R. 7915. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Scottsboro, on the Scottsboro-Fort Payne road in Jackson County, Ala.;

H. R. 8106. An act authorizing F. C. Barnhill, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Arrow Rock, Saline County, Mo.;

H. R. 8107. An act authorizing Frank M. Burruss, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Miami, Saline County, Mo.;

H. R. 8227. An act authorizing the Sunbury Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near Bainbridge Street, in the city of Sunbury, Pa.;

H. R. 8309. An act to amend an act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," approved February 24, 1923;

H. R. 9063. An act to extend the times for commencing and completing the construction of a bridge across the Chattahoochee River at or near Alaga, Ala.;

H. R. 9064. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River at or near Pell City, on the Pell City-Anniston road, between Calhoun and St. Clair Counties, Ala.;

H. R. 9293. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Clinch River, on the Snedville-Rogersville road, in Hancock County, Tenn.;

H. R. 9567. An act to authorize appropriations for construction at Fort Leavenworth, Kans., and for other purposes; and

H. R. 9660. An act authorizing the city of Louisville, Ky., to construct, maintain, and operate a toll bridge across the Ohio River at or near said city.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled joint resolution (H. J. Res. 112) to amend the act of May 29, 1884, as amended, the act of February 2, 1903, and the act of March 3, 1905, as amended, to include poultry within their provisions, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS

Mr. BLAINE presented a joint resolution of the Legislature of the State of Wisconsin, favoring the early completion of the Great Lakes-St. Lawrence seaway, which was referred to the Committee on Foreign Relations.

He also presented a joint resolution of the Legislature of the State of Wisconsin, opposing the leasing of the water powers on the Menomonie Indian Reservation to private interests, which was referred to the Committee on Indian Affairs.

He also presented a joint resolution of the Legislature of the State of Wisconsin, favoring the adoption of the so-called Norris resolution proposing an amendment to the Constitution for the earlier assembling of Congress, which was referred to the Committee on the Judiciary.

He also presented a joint resolution of the Legislature of the State of Wisconsin, commending the action of the Senate in refusing to seat Frank L. Smith, of Illinois, which was ordered to lie on the table.

(See above joint resolutions of the Wisconsin Legislature printed in full on yesterday when presented by the Vice President and Mr. LA FOLLETTE, pages 2499-2500, CONGRESSIONAL RECORD.)

Mr. BLAINE also presented petitions of sundry citizens of Barron and Eau Claire, Wis., praying for the passage of the so-called Shipstead bill (S. 1481) to amend sections 11 and 12 of an act to limit the immigration of aliens into the United States, and for other purposes, approved May 26, 1924, which were referred to the Committee on Immigration.

Mr. WARREN presented a resolution adopted by the Washakie County Farm Bureau, at Worland, Wyo., protesting against the passage of any legislation tending further to restrict the immigration of Mexican laborers into the United States, which was referred to the Committee on Immigration.

He also presented a memorial of sundry citizens of Powell, Wyo., remonstrating against the passage of proposed legislation providing for the regulation of the use of certain sugars, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials numerously signed by sundry citizens of the State of Wisconsin, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. COPELAND presented a memorial of sundry citizens of Buffalo and vicinity, in the State of New York, remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of New York City, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented a petition of members of Local No. 310, Federal Employees' Union, of Syracuse, N. Y., praying for the passage of the so-called Welch bill (H. R. 6518) providing for a minimum wage of \$1,500 per annum for Government employees; the retirement bill (H. R. 25) providing for maximum annuities of \$1,200 and optional retirement after 30 years' service; and the bill (H. R. 492) abolishing the Personnel Classification Board and transferring their duties and powers to the United States Civil Service Commission, which was referred to the Committee on Civil Service.

Mr. DENEEN presented a memorial of sundry citizens of Chicago, Ill., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of the State of Illinois, praying for the passage of legislation granting increased pension to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented memorials numerously signed by sundry citizens of Chicago, Ill., remonstrating against the passage of the so-called Brookhart bill relative to the distribution of motion pictures in the various motion-picture zones of the country, which were referred to the Committee on Interstate Commerce.

Mr. KING presented resolutions adopted at the sixty-third annual convention of the National Wool Growers' Association at Ogden, Utah, which were referred to the committees as indicated below:

Resolution favoring the divorce of the business of the intermediate credit banks from the Federal farm-loan banks; to the Committee on Banking and Currency.

Resolution indorsing the work of the Bureau of Biological Survey, United States Department of Agriculture, in the control of predatory wild animals and injurious rodents in the range States, and favoring an increased appropriation for this bureau of \$400,000 to permit it more effectively to carry on such control work; to the Committee on Appropriations.

Resolution favoring the passage of legislation for the compulsory identification in fabrics of substitutes for virgin wool; to the Committee on Finance.

Resolution opposing tariff revision at the present time, but favoring a prompt report by the Tariff Commission on agricultural schedules pending before it in order that adequate protection may be given where justified; to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. BAYARD, from the Committee on Territories and Insular Possessions, to which was referred the bill (H. R. 83) to approve Act No. 24 of the Session Laws of the Territory of Hawaii entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Hanapepe, in the district of Waimea, island and county of Kauai," reported it without amendment and submitted a report (No. 252) thereon.

Mr. FESS, from the Committee on the Library, to which were referred the following bill and joint resolutions, reported them severally without amendment:

A bill (H. R. 48) to erect a tablet or marker to the memory of the Federal soldiers who were killed at the Battle of Perryville, and for other purposes;

A joint resolution (S. J. Res. 33) authorizing the selection of a site and the erection of a memorial monument to the pioneers of the Pacific Northwest in Washington City, D. C.; and

A joint resolution (S. J. Res. 88) authorizing the erection on public grounds in the District of Columbia of a stone monument as a memorial to Samuel Gompers.

Mr. FESS also, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 72) to grant permission for the erection of a memorial statue of Cardinal

Gibbons, reported it with amendments and submitted a report (No. 253) thereon.

Mr. GILLETT, from the Committee on the Judiciary, to which was referred the bill (S. 1705) authorizing the Court of Claims to render judgment in favor of the administrator or collector for the estate of Peter P. Pitchlynn, deceased, instead of the heirs of Peter P. Pitchlynn, and for other purposes, reported it without amendment and submitted a report (No. 254) thereon.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States prohibiting war, reported adversely thereon.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 205) to authorize the Secretary of the Treasury to pay the claim of Mary Clerkin, reported it without amendment and submitted a report (No. 255) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BAYARD:

A bill (S. 3048) granting a pension to William T. Smith; to the Committee on Pensions.

By Mr. TRAMMELL:

A bill (S. 3049) granting a pension to Mary Clark; to the Committee on Pensions.

By Mr. GEORGE:

A bill (S. 3050) to erect a tablet or marker to mark the site of the Battle of Kettle Creek, in Wilkes County, Ga., February 14, 1779; to the Committee on the Library.

By Mr. WALSH of Massachusetts (by request):

A bill (S. 3051) authorizing the acquisition of a site for a farmers' produce market, and for other purposes; to the Committee on the District of Columbia.

By Mr. BRUCE:

A bill (S. 3052) for the relief of the Baltimore Copper Smelting & Rolling Co.; to the Committee on Claims.

By Mr. BRATTON:

A bill (S. 3053) for the relief of Jony Jones; to the Committee on Public Lands and Surveys.

A bill (S. 3054) granting a pension to Ina Rathbun; to the Committee on Pensions.

By Mr. BLAINE:

A bill (S. 3055) to credit the accounts of Charles R. Williams, deceased, former United States property and disbursing officer, Wisconsin National Guard; to the Committee on Claims.

By Mr. PITTMAN:

A bill (S. 3056) for the relief of the estate of Moses M. Bane; to the Committee on Claims.

By Mr. HALE:

A bill (S. 3057) authorizing the Secretary of War to transfer and convey, to the Portland water district, a municipal corporation, the water pipe line including the submarine water main connecting Fort McKinley, Me., with the water system of the Portland water district, and for other purposes; to the Committee on Military Affairs.

By Mr. REED of Pennsylvania:

A bill (S. 3058) to amend that provision of the act approved March 3, 1879 (20 Stat. L. 412), relating to the issue of arms and ammunition for the protection of public money and property; to the Committee on Military Affairs.

By Mr. COPELAND:

A bill (S. 3059) for the refund of income tax erroneously collected from Sylvain Schmoll;

A bill (S. 3060) for the refund of income tax erroneously collected from Lucien Schmoll;

A bill (S. 3061) for the refund of income tax erroneously collected from the estate of Edmund Schmoll;

A bill (S. 3062) for the relief of Anna Faceina;

A bill (S. 3063) for the relief of Ollie Keeley;

A bill (S. 3064) for the relief of Lieut. Walter E. Morton, United States Navy;

A bill (S. 3065) for the relief of the Wilson Chemical Co.; and

A bill (S. 3066) for the relief of Herman Shulof; to the Committee on Claims.

By Mr. ASHURST:

A bill (S. 3067) for the relief of James Smith; to the Committee on Military Affairs.

A bill (S. 3068) granting a pension to John W. Bullard; and

A bill (S. 3069) granting a pension to Charles Metcalfe; to the Committee on Pensions.

By Mr. DILL:

A bill (S. 3070) granting an increase of pension to Jacob Nullett; to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 3071) granting an increase of pension to Ella A. Harper (with accompanying papers);

A bill (S. 3072) granting an increase of pension to William F. Slack (with accompanying papers);

A bill (S. 3073) granting a pension to Lillian J. Barker (with accompanying papers);

A bill (S. 3074) granting an increase of pension to Minerva Hatch (with accompanying papers); and

A bill (S. 3075) granting an increase of pension to Nancy Abbott (with accompanying papers); to the Committee on Pensions.

By Mr. SHIPSTEAD:

A bill (S. 3076) to amend the act entitled "An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925," approved May 22, 1926; to the Committee on Foreign Relations.

By Mr. DENEEN:

A bill (S. 3077) granting an increase of pension to William L. LaDassor; and

A bill (S. 3078) granting an increase of pension to Alice A. Garner; to the Committee on Pensions.

MUSCLE SHOALS

Mr. NORRIS submitted an amendment intended to be proposed by him to the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals, for the manufacture and distribution of fertilizer, and for other purposes, which was ordered to lie on the table and to be printed.

CHANGE OF REFERENCE

On motion of Mr. BLAINE, the Committee on the Judiciary was discharged from the further consideration of the joint resolution (S. J. Res. 35) to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, etc." approved February 8, 1918, and it was referred to the Committee on Patents.

CONSTRUCTION AT MILITARY POSTS

Mr. CURTIS. Mr. President, I ask unanimous consent to enter a motion to reconsider the votes whereby the bill (H. R. 7009) to authorize appropriations for construction at military posts, and for other purposes, was ordered to a third reading and passed. I had an amendment printed and lying on the table, which was not considered. I do not believe there is any objection to the amendment, and if the Senator in charge of the bill desires to take it up immediately, I should like to have it considered at this time.

The VICE PRESIDENT. Is there objection to the reconsideration of the votes by which House bill 7009 was ordered to a third reading and passed, together with a reconsideration of the appointment of conferees? The Chair hears none; and it is so ordered. The Senator from Kansas offers an amendment, which will be stated.

The CHIEF CLERK. On page 1, line 4, strike out the figures "\$6,841,691" and insert the figures "\$6,961,691"; and on page 5, line 6, after the figures "\$400,000," insert "Fort Leavenworth, Kans., one hangar, \$40,000; field warehouse and shop, \$45,000; headquarters building, \$20,000; gasoline and oil storage, \$5,000; night-flying lighting system, \$10,000."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The VICE PRESIDENT. The conferees named on yesterday are reappointed.

PUEBLO INDIAN LANDS, RIO GRANDE VALLEY, N. MEX.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 700) authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes, which was to strike out all after the enacting clause and insert:

That the Secretary of the Interior is hereby authorized to enter into an agreement with the Middle Rio Grande conservancy district, a political subdivision of the State of New Mexico, providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands situated within the exterior boundaries of the said Middle Rio Grande conservancy district, as provided for by plans prepared for this purpose in pursuance to an act of February 14, 1927 (44 Stat. L. 1098). The construction cost of such conservation, irrigation, drain-

age, and flood-control work apportioned to the Indian lands shall not exceed \$1,593,311, and said sum, or so much thereof as may be required to pay the Indians' share of the cost of the work herein provided for, shall be payable in not less than five installments without interest, which installments shall be paid annually as work progresses: *Provided*, That should at any time it appear to the said Secretary that construction work is not being carried out in accordance with plans approved by him, he shall withhold payment of any sums that may under the agreement be due the conservancy district until such work shall have been done in accordance with the said plans: *Provided further*, That in determining the share of the cost of the works to be apportioned to the Indian lands there shall be taken into consideration only the Indian acreage benefited, which shall be definitely determined by said Secretary, and such acreage shall include only lands feasibly susceptible of economic irrigation and cultivation, and materially benefited by this work, and in no event shall the average per acre cost for the area of Indian lands benefited exceed \$67.50: *Provided further*, That all present water rights now appurtenant to the approximately 8,346 acres of irrigated Pueblo lands owned individually or as pueblos under the proposed plans of the district, and all water for the domestic purposes of the Indians and for their stock shall be prior and paramount to any rights of the district or of any property holder therein, which priority so defined shall be recognized and protected in the agreement between the Secretary of the Interior and the said Middle Rio Grande conservancy district, and the water rights for the newly reclaimed lands shall be recognized as equal to those of like district lands and be protected from discrimination in the division and use of water, and such water rights, old as well as new, shall not be subject to loss by nonuse or abandonment thereof so long as title to said lands shall remain in the Indians individually or as pueblos or in the United States, and such irrigated area of approximately 8,346 acres shall not be subject by the district or otherwise to any pro rata share of the cost of future operation and maintenance or betterment work performed by the district. The share of the cost paid the district on behalf of the Indian lands under the agreement herein authorized, including any sum paid to the district from the funds authorized to be appropriated by the act of February 14, 1927 (44 Stat. L. 1098), shall be reimbursed to the United States under such rules and regulations as may be prescribed by the Secretary of the Interior: *Provided*, That such reimbursement shall be made only from leases or proceeds from the newly reclaimed Pueblo lands, and there is hereby created against such newly reclaimed lands a first lien, which lien shall not be enforced during the period that the title to such lands remains in the pueblos or individual Indian ownership: *Provided further*, That said Secretary of the Interior, through the Commissioner of Indian Affairs, or his duly authorized agent, shall be recognized by said district in all matters pertaining to its operation in the same ratio that the Indian lands bear to the total area of lands within the district, and that the district books and records shall be available at all times for inspection by said representative.

Mr. BRATTON. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

INDEPENDENT OFFICES APPROPRIATIONS

Mr. KING. Mr. President, the Senator from Virginia [Mr. GLASS] was appointed one of the conferees on the part of the Senate on the disagreeing votes of the two Houses arising in connection with the independent offices appropriation bill. He is ill and absent. I have consulted with a number of members of the Appropriations Committee; most of those who follow him in point of seniority are also absent; and it is suggested that the junior Senator from Arizona [Mr. HAYDEN] be named as a conferee in place of the Senator from Virginia [Mr. GLASS]. I therefore move that Mr. HAYDEN be named as a conferee to take the place of the Senator from Virginia.

The PRESIDING OFFICER (Mr. BLEESE in the chair). The question is on the motion of the Senator from Utah that the Senator from Arizona [Mr. HAYDEN] be appointed a conferee on the independent offices appropriation bill in place of the Senator from Virginia [Mr. GLASS].

The motion was agreed to.

EMPLOYMENT OF NAVAL FORCES IN NICARAGUA

The VICE PRESIDENT. The Chair lays before the Senate the resolution (S. Res. 128) submitted by the Senator from Wisconsin [Mr. LA FOLLETTE], coming over from a preceding day.

Mr. BORAH. Mr. President—

Mr. LA FOLLETTE. I yield to the Senator from Idaho for the purpose of having a resolution submitted by him, which has also come over from a previous day, considered, with the understanding that I do not lose my right with regard to my resolution, and with the further understanding that his resolution will not provoke any debate.

THE VICE PRESIDENT. Is there objection? The Chair hears none, and lays before the Senate the resolution of the Senator from Idaho, coming over from the preceding day. The resolution will be read.

The resolution (S. Res. 137) submitted by Mr. BORAH on the 6th instant was read, as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, instructed, if not incompatible with the public interest, to inform the Senate, first, the facts relative to the use of the Navy in Nicaragua since the recognition of the Diaz government; the extent of the naval force, both as to ships and as to men; the number of conflicts had with armed forces in Nicaragua; the number of individuals killed or wounded on either side; and such other data as will enable the Senate to have before it all the facts relative to the use of the Navy in Nicaragua; together with the report of the naval officers to the Secretary of the Navy touching matters in Nicaragua.

THE VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. BORAH. Mr. President, I wish to ask the Senator from California if he desires to be heard on the resolution?

Mr. SHORTRIDGE. Mr. President, I would answer yes, but may I say to the Senator from Idaho that I have been under the impression that the resolution should be considered by the Committee on Foreign Relations. I was about to suggest that it be referred to that committee; and then, if the committee should report it, we could, of course, consider it in all of its bearings.

Mr. BORAH. Mr. President, of course I have no objection to the resolution going to the committee, except in the interest of time. The committee has before it a number of resolutions providing for inquiries in regard to facts touching affairs in Nicaragua. I was of the opinion that if this resolution could be adopted and we could have this official report it would enlighten the committee as to what it should do with reference to the other resolutions and what scope they should take when we finally reported them. However, if it is the desire of the Senator from California first to have action of the committee—

Mr. SHORTRIDGE. I should very much prefer that, I will say to the Senator from Idaho.

Mr. BORAH. I will let the resolution go to the Committee on Foreign Relations.

THE VICE PRESIDENT. The resolution will be referred to the Committee on Foreign Relations.

PRESIDENTIAL TERMS

The VICE PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Wisconsin [Mr. LA FOLLETTE], coming over from a previous day, which will be read.

The resolution (S. Res. 128) submitted by Mr. LA FOLLETTE on January 31, 1928, was read, as follows:

Resolved, That it is the sense of the Senate that the precedent established by Washington and other Presidents of the United States in retiring from the presidential office after their second term, has become, by universal concurrence, a part of our republican system of government, and that any departure from this time-honored custom would be unwise, unpatriotic, and fraught with peril to our free institutions; and be it further

Resolved, That the Senate commends observance of this precedent by the President.

Mr. LA FOLLETTE. Mr. President, it is not my purpose to discuss this resolution at great length. Its terms are simple; it speaks for itself. Furthermore, the antithird term tradition is so deeply rooted in our history that to discuss the subject elaborately would be unnecessary in this body.

Mr. President, the questions of the reeligibility to the Presidency and the length of the term which the President should serve were discussed very fully in the Constitutional Convention. The convention reversed itself many times both on the question of the length of the term and the question of reeligibility. Suffice it to say that as the deliberations of the convention were drawing to a close the convention reverted to the seven-year term, with ineligibility for reelection. That was on July 26, 1787. Apparently the subject was not again discussed until late in August, when the convention returned to the plan for the choice of President by the National Legislature, with the proviso that he should hold his office during seven years, but should not be elected a second time.

It was not until September 15 that the final plan for the choice of President for a term of four years was agreed upon, with the provision regarding reeligibility omitted. The Constitutional Convention two days thereafter concluded its deliberations and its work and adjourned.

It is a well-known fact to those who have looked into the subject that the question of reeligibility was one which greatly concerned Thomas Jefferson. He was at that time our diplo-

matic representative in Paris. He wrote to George Washington under date of May 2, 1788, and I quote a portion of his letter. Discussing the question of reeligibility, he said:

This, I fear, will make an office for life. I was much an enemy of monarchy before I came to Europe. I am ten thousand times more so since I have seen what they are. * * * I shall hope that before there is danger of this change taking place in the office of President the good sense and free spirit of our countrymen will make the change necessary to prevent it. Under this hope I look forward to the general adoption of the new Constitution with anxiety as necessary for us under our present circumstances.

An accurate recital of history, however, Mr. President, requires the admission that President Washington was not in agreement with Thomas Jefferson in so far as his fears of reeligibility were concerned. He wrote a letter to Lafayette in 1788, in which he said, in part:

Guarded so effectively as the proposed Constitution is, in respect to the prevention of bribery and undue influence in the choice of President, I confess I differ widely myself from Mr. Jefferson and as to the necessity or expediency of rotation in that department.

However, Mr. President, after Washington had served his two terms as President of the United States—and all historians agree in telling us that had he so desired he could have been elected a third time—he declined to accept the office for a third term. There can be no question but that his action was the precedent which established the antithird-term tradition in American history.

I shall not digress to quote certain portions of his Farewell Address, because they are familiar to every Senator.

Jefferson, elected to the Presidency, immediately after his second inauguration in 1805 announced that he would not again be a candidate. Requested by the legislatures of five States in 1807 to reconsider his action, he addressed his famous letter to the Vermont Legislature under date of December 10, 1807. In that letter he said:

That I should lay down my charge at a proper period is as much a duty as to have borne it faithfully. If some termination to the services of the Chief Magistrate be not fixed by the Constitution, or supplied by practice, his office, nominally four years, will in fact become for life, and history shows how easily that degenerates into an inheritance. Believing that a representative government, responsible at short periods of election, is that which produces the greatest sum of happiness to mankind, I feel it a duty to do no act which shall essentially impair that principle, and I should unwillingly be the person who, disregarding the sound precedent set by an illustrious predecessor, should furnish the first example of prolongation beyond a second term of office.

Mr. President, as is well known, Jefferson was succeeded in the office of President by Madison, and Madison was succeeded by Monroe. Both of those Presidents served two terms, and voluntarily retired at the end of their second terms.

Jefferson regarded this action taken by Washington, by himself, and by his two successors in office as having firmly established the precedent that a President should retire after a second term.

In his autobiography, written shortly before his death, Jefferson explained that his fears of perpetual reeligibility had been founded—

on the importance of the office, on the fierce contentions it might excite among ourselves if continuall for life, and the dangers of interference either with money or arms by foreign nations to whom the choice of an American President might become interesting.

He goes on to say:

My wish, therefore, was that the President should be elected for seven years and be ineligible afterward. This term I thought sufficient to enable him, with the concurrence of the legislature, to carry through and establish any system of improvement he should propose for the general good. But the practice adopted I think is better, allowing his continuance for eight years, with a liability to be dropped at the halfway of the term, making that a period of probation.

Mr. President, the next President who was confronted with a popular demand by his friends that he should consider breaking down this tradition was Andrew Jackson; this in spite of the fact that in his first message to Congress he recommended the abolition of the Electoral College and the direct election of the President by the vote of the people. In that message he declared:

In connection with such an amendment it would seem advisable to limit the service of the Chief Magistrate to a single term of either four or six years.

President Jackson renewed that recommendation, he declared, "with increased confidence" in his second annual message, and

repeated it in his third, fourth, fifth, and sixth annual messages to Congress.

A generation later Andrew Johnson, in a special message to Congress, said that he felt called upon "by an imperative sense of duty to revive the recommendation so often and earnestly made by President Jackson."

General Grant was the next President in our history upon whom fell the responsibility of deciding whether or not he should become a candidate for reelection following his second term. He had a tremendous popularity. He was besought on all sides by his political friends to consider a breach of this tradition. However, popular sentiment against such action welled up in the country, and finally resulted in action being taken by the Legislature of Pennsylvania in which they declared their opposition to the election to the Presidency of any person for a third term. This action elicited from President Grant his famous letter in which he said, in part:

Now for the third term. I do not want it any more than I did the first.

He went on further to cite the fact that the people under the Constitution were not prohibited from choosing a President for a third term, and declared that he "would not accept a nomination if it were tendered, unless it should come under such circumstances as to make it an imperative duty—circumstances not likely to arise."

However, President Grant's political supporters in the country interpreted that letter not to mean a formal and final declination of a third nomination, and proceeded to endeavor to create a situation in the country which would fall within the conditions set down in his letter. Then it was that a resolution on the subject was introduced in the House of Representatives in 1875. That resolution was introduced by William M. Springer, of Illinois, a Democrat. In terms it conforms to the resolution now under consideration by the Senate.

The resolution was adopted in the House of Representatives without debate and by the immense majority of 234 to 18, with 38 not voting. James A. Garfield voted for the resolution, all of the Democrats present voted for the resolution, and 70 of the 88 Republicans present cast their votes for the resolution. On that roll call will be found the names of former Senators Frye and Hale, of Maine, and former Senator Hoar, of Massachusetts.

Mr. President, I desire also to quote a paragraph from the speech of acceptance made by Grover Cleveland in accepting the Democratic presidential nomination. He said:

When we consider the patronage of this great office, the allurements of power, the temptation to retain public office once gained, and, more than all, the availability a party finds in an incumbent whom a horde of officeholders, with a zeal born of benefits received and fostered by the hope of favors yet to come, stand ready to aid with money and trained political assistance, we recognize in the eligibility of the President for reelection the most serious danger to that calm, deliberate, and intelligent action which must characterize a government by the people.

The next time this question arose was during the administration of President Roosevelt. It will be remembered that he had served three years and five and one-half months of the term of President McKinley, whom he succeeded. He was elected to succeed himself as President in 1904, and on the afternoon of election day he issued the following statement:

I am deeply sensible of the honor done me by the American people in thus expressing their confidence in what I have done and have tried to do. I appreciate to the full the solemn responsibility that confidence imposes upon me, and I shall do all that in my power lies not to forfeit it. On the 4th of March next I shall have served three and one-half years, and that three and one-half years constitutes my first term. The wise custom which limits the President to two terms regards the substance and not the form, and under no circumstances will I be a candidate for or accept another nomination.

Mr. WATSON. Mr. President, will the Senator yield there for a question?

Mr. LA FOLLETTE. I shall be glad to yield.

Mr. WATSON. I am not asking the question in a controversial spirit at all—

Mr. LA FOLLETTE. No; I appreciate that.

Mr. WATSON. But I desire to hear the Senator's views.

What does the Senator mean by "two terms"? Suppose the President dies the week before his term expires and the Vice President becomes the President and is elected again. When it comes around to the next election, does the Senator mean for us to put the interpretation on his resolution that the President has served two terms? What does the Senator mean, in other words, by "two terms"?

Mr. LA FOLLETTE. Mr. President, in that respect I find myself in agreement with former President Roosevelt when he

declared that the observance of this precedent regarded the substance and not the form. The danger in this situation is the exercise of the tremendous power which the Executive wields through the control of patronage and through the emoluments of his office. The danger in this situation that such power should be exercised twice in succession by the same individual is the crux of this matter, as I see it.

Mr. WATSON. If the Senator will pardon me once more, the Senator construes his resolution, then, to mean that if a person shall twice have taken the oath as President of the United States, that constitutes two terms?

Mr. LA FOLLETTE. Mr. President, that is a correct interpretation; and, as stated a moment ago, it makes little difference whether the President shall have served a few months or a few years. The political power of the Chief Executive descends upon him when he takes the oath of office, and those who have had any experience in this body have seen plenty of examples of that power.

Mr. WATSON. May I ask the Senator another question without interrupting him? Does the Senator construe his resolution to mean that if there shall have been an interim, the President after that would be eligible or ineligible for reelection?

Mr. LA FOLLETTE. Mr. President, I think the plain, simple language of the resolution covers that matter.

Mr. WATSON. It means two successive terms?

Mr. LA FOLLETTE. It means two successive terms. If the Senator will refer to line 4 of the resolution he will see, I think, the plain intent of it.

Now, I desire to hurry along, although I shall be glad to answer any questions.

It is true that when Theodore Roosevelt, after having retired from the Presidency in 1908, became a candidate in 1912, an effort was made to make use against him of the statement which he had issued. He declared, however, that it had no application whatever to the candidacy of a man who was not at that time in office, whether he had or had not been President before.

Mr. BORAH. Mr. President—

Mr. LA FOLLETTE. I yield to the Senator, with pleasure.

Mr. BORAH. I only wish to interrupt to say that if the general principle be sound, that is not a sound exception.

Mr. LA FOLLETTE. Mr. President, I was merely offering that statement as the answer of President Roosevelt when the effort was made to make use of his previous statement.

Mr. BORAH. I did not understand that it was the Senator's view.

Mr. LA FOLLETTE. No, Mr. President.

Mr. BORAH. But that was the practice, for instance, that Diaz put into operation in Mexico very successfully.

Mr. LA FOLLETTE. Exactly; I agree with the Senator fully about it; but I wish to be fair in my brief historical summary.

The Democratic convention in Baltimore in 1912, following the campaign in which the third-term issue had been raised, adopted a plank which declared:

We favor a single presidential term, and to that end urge the adoption of an amendment to the Constitution making the President of the United States ineligible for reelection, and we pledge the candidate of this convention to this principle.

The Senate of the United States in 1913 passed a constitutional amendment which provides:

The term of office of the President shall be six years; and no person who has held the office by election and discharged its powers or duties, or acted as President under the Constitution and laws made in pursuance thereof, shall be eligible to hold again the office by election.

That amendment passed the Senate on February 1, 1913, by a vote of 47 ayes to 23 nays, one vote more than the required two-thirds majority.

Mr. President, everyone is familiar with the existing situation which confronts the American people. President Coolidge on August 2 issued a statement in which he declared that he did not choose to run in 1928. It is a well-known fact that that statement was not considered a conclusive declaration, and his close political friends, some of them Members of this body, continued to insist that he would be renominated and reelected. Therefore it was with a great deal of interest that the country read the special press release attached to the President's speech given to the national committee which met here on December 6. He amplified his statement to this effect:

This is naturally the time to be planning for the future. The party will soon place in nomination its candidate to succeed me. To give time for mature deliberation, I stated to the country on August 2 that I did not choose to run for President in 1928. My statement stands. No one should be led to suppose that I have modified it. My decision

will be respected. After I had been eliminated the party began, and should vigorously continue, the serious task of selecting another candidate from among the number of distinguished men available.

Mr. President, the first interpretation placed upon that statement was that the President had eliminated himself, but obviously recent developments demonstrate that in not using complete and conclusive language in defining his position he has opened the door to those who believe that he should be renominated and who believe that this antithird-term tradition should be smashed.

Powerful persons in the Republican Party are the backers of this movement to draft the President and to force his renomination and endeavor to secure his reelection. Under those circumstances, Mr. President, it seems to me that it is the duty of this body, in so far as it represents the people of the United States, to take cognizance of this situation and to adopt this resolution.

The feeling with regard to the third term of a President is not based upon an idle fear. The power and the prestige of the Chief Executive have grown continuously since the foundation of our Government. Students of politics, both American and foreign, properly regard the President of the United States as the most powerful individual in the world. Establishment of the precedent that one man may continue to wield this power for longer than eight years would mark a definite step toward the abrogation of popular government.

Once the precedent has been broken that no one should hold the office for more than eight years, it will be difficult, if not impossible, to prevent reelection for 12, for 16, and perhaps for 20 years.

Mr. President, it may perhaps not be amiss to review briefly purely the political power which the Chief Executive now wields. There are 60,000 first, second, and third class postmasters, collectors and deputy collectors of internal revenue, marshals and deputy marshals, collectors of customs, and similar officials appointed by the President. They enjoy salaries aggregating \$127,500,000 annually. In 1912 Postmaster General Hitchcock succeeded in altering the civil-service requirements governing fourth-class postmasters and rural carriers so as to permit the selection of any three upon the eligible list furnished by the Civil Service Commission, and to the total which I have just given there must be added 79,645 employees, with salaries totaling \$104,100,000.

Mr. President, I believe that the Senate of the United States will recognize the gravity of this situation and will by a substantial majority place itself on record in support of this sound declaration in favor of sustaining the tradition which has played such an important part in our history. I sincerely trust that the resolution may be brought to a vote.

Mr. ASHURST. Mr. President, I ask leave to introduce at this time a resolution, which I send to the desk and ask to have read.

The VICE PRESIDENT. The clerk will read.

The legislative clerk proceeded to read the resolution.

Mr. LA FOLLETTE. Mr. President, will not the Senator be willing to allow a vote to come on my resolution?

Mr. ASHURST. Very well; I withhold my resolution for that purpose.

Mr. BINGHAM. Mr. President, there are a number of Senators who desire to be heard on the resolution presented by the Senator from Wisconsin. I have talked with several, and one or two are not prepared to go on to-day. The junior Senator from Ohio [Mr. FESS] is suffering from a cold and prefers not to speak. I wonder if the Senator from Wisconsin will not let the resolution go over without prejudice. It has been going over without prejudice for some days, and none of us knew it was coming up to-day, and we are not prepared to discuss it to-day. Will he not permit it to go over without prejudice until to-morrow?

Mr. LA FOLLETTE. Will the Senator be willing to have a unanimous-consent agreement for a vote on the resolution at some time to-morrow?

Mr. BINGHAM. That is rather a difficult question to answer.

Mr. LA FOLLETTE. Then I ask that it be considered until 2 o'clock. I fear I shall have to object to the request of the Senator from Arizona, because there is obviously an intention to delay this resolution, and I desire to have it considered.

Mr. ASHURST. I have no intention to delay the resolution of the Senator from Wisconsin, but the resolution I now seek to introduce is an important one, one to cope with an emergency. I am sure the Senator from Wisconsin, on reflection, will offer no objection to the introduction of my resolution.

Mr. LA FOLLETTE. I have no desire to prevent its introduction, but if it is a long resolution, I ask the Senator not to have it read in the time between now and 2 o'clock.

Mr. ASHURST. My speeches and resolutions are broad and deep, but never long. I am sure the Senator will permit the

clerk to read the resolution, and then let it be referred to the appropriate committee.

INVESTIGATION OF OIL COMPANIES IN CALIFORNIA AND ARIZONA

The VICE PRESIDENT. Without objection, the resolution will be read.

The legislative clerk read the resolution (S. Res. 141), as follows:

Resolved, That the Senate Committee on Interstate Commerce, or a subcommittee thereof, be, and hereby is, empowered and directed to inquire into and report upon the alleged violations of the laws of the United States by certain oil companies maintaining refineries in the State of California and distributing stations in the State of Arizona, and which companies are alleged to have entered into an illegal combination to control the prices of gasoline and oils to independent retail distributors upon the refusal of said retail distributors to maintain such prices as are fixed by the combination of the said oil companies, and which oil companies are alleged to have entered into a conspiracy to prevent said independent retailers from securing gasoline and oils from other sources.

That the said committee is hereby authorized to sit and perform its duties at such times and places as it deems necessary or proper, and to require the attendance of witnesses by subpennas or otherwise; to require the production of books, papers, and documents; and to employ counsel, experts, and other assistants, and stenographers, at a cost not exceeding \$1.25 per printed page. The chairman of the committee, or any member thereof, may administer oaths to witnesses and sign subpennas for witnesses; and every person duly summoned before said committee, or any subcommittee thereof, who refuses or fails to obey the process of said committee, or appears and refuses to answer questions pertinent to said investigation, shall be punished as prescribed by law. The expenses of said investigation shall be paid from the contingent fund of the Senate on vouchers of the committee or subcommittee, signed by the chairman and approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

The committee or any subcommittee thereof is authorized to sit during the sessions or the recesses of the Senate, and until otherwise ordered by the Senate.

Mr. ASHURST. Mr. President, let the resolution be referred to the Committee on Interstate Commerce. I ask to have printed in the RECORD a telegram signed by Hon. Harlow Akers, who is one of the publishers of the Arizona Daily Gazette, a metropolitan daily journal published in the city of Phoenix.

Mr. WARREN. Mr. President, may I ask the Senator a question?

Mr. ASHURST. Certainly.

Mr. WARREN. Does the resolution require the expenditure of money?

Mr. ASHURST. It does.

Mr. WARREN. Should it not go to the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. ASHURST. I think it should ultimately, but I believe it should first go to the Committee on Interstate Commerce, to the end that that committee may make a careful survey, and after that committee shall have reported the resolution favorably, as I hope it will, it then, under the law, must go to the Committee to Audit and Control the Contingent Expenses of the Senate. Am I correct?

Mr. SMOOT. That is correct.

Mr. ASHURST. Mr. President, I shall appeal to the chairman of the Senate Committee on Interstate Commerce to lay this resolution before his committee, so that we may ascertain if there be violations of the law.

The VICE PRESIDENT. The resolution, without objection, will be referred to the Committee on Interstate Commerce. Is there objection to the request of the Senator from Arizona to have the telegram printed in the RECORD?

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

PHOENIX, ARIZ., February 7, 1928.

Hon. HENRY F. ASHURST,

United States Senate Building, Washington, D. C.:

In behalf of the citizens of Arizona I appeal to you to lay before the United States Senate the facts set forth herein, and to demand an investigation by that body of the most flagrant violation of the Sherman Antitrust Act that has been perpetrated in the Southwest. On December 9 the American Automobile Association disclosed in a nation-wide report that Arizona paid the highest retail price for gasoline of any State, 27 cents, and that in some other States gasoline sold for 10 cents, with 47 different prices prevailing throughout the Nation. A group of Phoenix retailers decided to take price cuts on January 10, and signs were posted at 25 cents. A meeting of other retailers was held January 16 and was attended by wholesale representatives, and on that night the wholesalers announced through a spokesman that dealers who had cut price to 25 cents would be cut off from deliveries at noon next day.

unless independents came back to price dictated by wholesalers. Men who had reduced price refused to change and were refused gasoline on January 17, and their tanks ran dry that day. Copper State Oil & Gas Co. was organized by Arizona men and buying connection was formed with outside refinery. First carload was delivered January 31 and station tanks of independents that had been dry since 17th were filled and began selling for 24 cents. Price cuts spread over valley on February 2, but stations of large companies held to 27 cents, with five different prices posted by February 3. On that day Standard Oil took motion pictures of independent operations and station men reported Standard Oil detectives were checking their sales. On February 4 refining company in Los Angeles refused to sell gasoline to Copper State Co., even though cash was tendered in payment. Every wholesale oil company in Phoenix refused to sell to Copper State on February 5, and by the 6th all independent-station tanks were empty. All price signs where gasoline is in tanks went back to 27 cents to-day. With only one exception, all companies operating in Arizona ship gasoline interstate, and this open monopoly of gasoline and its retail price is the most unbearable situation Arizona has had heaped upon it since Sherman Act became a law. Affidavits have been placed before local authorities, but situation has so many ramifications and is so clearly one for Federal investigation and prosecution that legal action has been delayed or permanently blocked. We appeal to you to demand investigation and prosecution of those guilty of this conspiracy. Am prepared to supply full information regarding individuals from whom affidavits or other sworn testimony may be obtained by investigating committee. Appreciate immediate reply, for this crime will be exposed while it still continues if investigation opens without delay.

HARLOW AKERS.

RADIO REGULATION

Mr. DILL. Mr. President, I ask unanimous consent to have inserted in the RECORD an article appearing in the Wilmington Evening Journal of yesterday relating to the injunction issued in New Jersey against the Radio Corporation of America.

The VICE PRESIDENT. Without objection, it is so ordered. The article is as follows:

[From the Wilmington Evening Journal, Monday, February 6, 1928]

INJUNCTION IS ISSUED AGAINST RADIO CORPORATION OF AMERICA—FEDERAL COURT FINDS IN BEHALF OF DE FOREST AND OTHER COMPANIES—RADIO LICENSES ARE INVOLVED

In the case of the De Forest Radio Co. and others against the Radio Corporation of America, Judge Morris at noon to-day handed down an opinion granting an injunction against the Radio Corporation of America.

The De Forest company and others brought suit in the United States district court against the defendants, alleging violation of the Clayton law. The De Forest interests were represented by Samuel E. Darby, Jr., of New York, and E. E. Berl, of this city.

The Radio Corporation was represented by John W. Davis, of New York, and William G. Mahaffy, of Wilmington.

The De Forest company suit is to enjoin the enforcement by the defendant of certain license agreements alleged to constitute unfair methods of competition and in violation of the Sherman and Clayton Acts. The agreements were made with the General Electric Co., the Westinghouse Electric & Manufacturing Co., and 25 other manufacturers of radio and receiving sets and assented to by the American Telephone & Telegraph Co.

The plaintiff contends that the contract of sale entered into by the defendant is on the condition that the purchaser shall not use or deal in tubes of competitors of the seller.

Judge Morris in his opinion writes: "The evidence now before me is conclusive that the practical effect is to prevent the licensee from using or dealing in tubes other than those sold by the defendant. Such conditions or agreements are so completely within the ban of the Clayton Act as if they were express, specific, or direct."

The plaintiff further contends there is a contract for the sale of goods on the condition that the purchaser shall not use or deal in the goods of competitors, and that the effect of such contract for sale is to substantially lessen competition or tend to create a monopoly.

In reply the defendant contends that their contracts are license agreements and that certain provisions of these agreements attacked by the plaintiffs are lawful conditions of the licenses. They hold that the Clayton Act is a derogation of the common law and must be so construed.

Judge Morris declares that to hold that a contract for the sale of goods is not within the Clayton Act if it is embodied as a condition or covenant of a license or an agreement would be writing into the statute a nullifying limitation and running counter to the views of the Supreme Court.

Affidavits submitted by the plaintiff declares that the defendant and the 25 licensees combined approximate 95 per cent of the total business in radio receiving sets. The defendant, in turn, claims that it does not exceed 75 per cent of the business.

The plaintiffs are Arthur D. Lord, receiver for the De Forest Radio Co., the Northern Manufacturing Co., the United States Radio & Electric Corporation, the Televalo Corporation, and Harry Chirelstein, of the Sonatron Tube Corporation.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 278) to amend section 5 of the act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ELLIOTT, Mr. TAYLOR of Tennessee, and Mr. LANHAM were appointed managers on the part of the House.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 66. An act authorizing B. L. Hendrix, G. C. Trammell, and C. S. Miller, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Mound City, Ill.;

H. R. 5502. An act authorizing the Washington-Missouri River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Washington, Franklin County, Mo.;

H. R. 5560. An act relative to the dam across the Kansas (Kaw) River at Lawrence, in Douglas County, Kans.;

H. R. 6973. An act authorizing E. H. Wegener, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill.;

H. R. 7199. An act granting the consent of Congress to the Oregon-Washington Bridge Co. to maintain a bridge already constructed across Columbia River near the city of Hood River, Oreg.;

H. R. 7375. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Guntersville on the Guntersville-Huntsville road in Marshall County, Ala.;

H. R. 7902. An act granting the consent of Congress to the State Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River at or near Wetumpka, Elmore County, Ala.;

H. R. 7914. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Whitesburg Ferry, on the Huntsville-Laceys Spring road between Madison and Morgan Counties, Ala.;

H. R. 8896. An act granting the consent of Congress to the State of Alabama to construct, maintain, and operate a free highway bridge across the Conecuh River on the Brewton-Andalusia road in Escambia County, Ala.;

H. R. 9019. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Ouachita River at or near Calion, Ark.;

H. R. 9137. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lebanon-Hartsville road in Wilson and Trousdale Counties, Tenn.;

H. R. 9196. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Decatur-Kingston road in Roane County, Tenn.;

H. R. 9197. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Knoxville-Maryville road in Knox County, Tenn.;

H. R. 9199. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Dover-Clarksville road in Stewart County, Tenn.; and

H. R. 9484. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River at or near Aliceville, on the Gainesville-Aliceville road, in Pickens County, Ala.

PUBLIC BUILDINGS

The PRESIDING OFFICER (Mr. ROBINSON of Indiana in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the

bill (H. R. 278) to amend section 5 of the act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. KEYES. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. KEYES, Mr. WARREN, and Mr. REED of Missouri conferees on the part of the Senate.

PRESIDENTIAL TERMS

The Senate resumed the consideration of the resolution (S. Res. 128) submitted by Mr. LA FOLLETTE on January 31, as follows:

Resolved, That it is the sense of the Senate that the precedent established by Washington and other Presidents of the United States in retiring from the presidential office after their second term has become by universal concurrence a part of our republican system of government, and that any departure from this time-honored custom would be unwise, unpatriotic, and fraught with peril to our free institutions; and be it further

Resolved, That the Senate commends observance of this precedent by the President.

Mr. GILLETT obtained the floor.

Mr. BINGHAM. If the Senator from Massachusetts will yield to me for a moment—

Mr. GILLETT. Certainly.

Mr. BINGHAM. I move that the resolution now before the Senate, submitted by the Senator from Wisconsin [Mr. LA FOLLETTE], be referred to the Committee on the Judiciary.

Mr. LA FOLLETTE. Mr. President—

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Wisconsin?

Mr. GILLETT. I yield.

Mr. LA FOLLETTE. I can see no force in the argument put forth by the Senator from Connecticut [Mr. BINGHAM] that the resolution should be sent to a committee. It simply declares the sense of the Senate in relation to this important question. To send it to a committee is to send it into the chloroform chamber. I shall resist that effort, and trust that those who agree with me in regard to the resolution will resist the effort, too.

Mr. GILLETT. Mr. President, like the Senator from Connecticut [Mr. BINGHAM], I was unaware the resolution was coming up to-day, nor had I seen it until just now.

As to the first clause I make no objection. I confess I think it is somewhat exaggerated and grandiose in its phraseology. I hardly think that the precedent established by Washington and other Presidents is so essential to our Government that a failure to observe it is "fraught with peril to our free institutions." At the same time I do heartily agree that the precedent is wise and ought to be followed.

Personally, I am in sympathy with the original opinion of President Jefferson, cited by the Senator from Wisconsin [Mr. LA FOLLETTE], in favor of a term of seven years without re-election. But the Constitution did not so provide, and we have established the precedent that at the end of eight years a President shall not be reelected. The Senator from Wisconsin agrees that that applies only to successive terms, and in that I agree with him.

But when we come to the second clause of the Senator's resolution I do not agree with him. It reads:

Resolved, That the Senate commends observance of this precedent by the President.

His argument is that the President's declaration that he does not choose to run is an observance of this precedent. I do not think that for President Coolidge to run again now would be a violation of the precedents established by our earlier Presidents.

Mr. DILL. Mr. President, will the Senator yield for a question?

Mr. GILLETT. Certainly.

Mr. DILL. What term does the Senator think it would be if Mr. Coolidge ran again?

Mr. GILLETT. It certainly would not be a third full term.

Mr. DILL. What term would it be, then?

Mr. GILLETT. It would be his second elective term.

Mr. DILL. But would it not be a third term?

Mr. GILLETT. No; it would be the beginning of his second term, but not a third full term.

Mr. DILL. Would it not be longer than any other President ever served?

Mr. GILLETT. It certainly would; and if that is the argument which influences Senators, I agree that it is a violation of the precedent.

Mr. DILL. If Mr. Coolidge or anyone else violates the tradition of serving more than 8 years, why not serve 12, or 16, or 20 years?

Mr. GILLETT. We might say that if President Roosevelt had been elected in 1912 he would have served longer than any other President.

Mr. DILL. I think that is one of the reasons why he was not reelected and why he did not get any more votes.

Mr. GILLETT. I do not think so, or that it was any violation of the third-term precedent. The Senator from Indiana [Mr. WATSON] asked if a President has served one week and then is reelected, is it a violation of the third-term precedent? I do not believe that it would be. The answer was made by the Senator from Wisconsin [Mr. LA FOLLETTE] that the taking of the oath of office more than twice is in violation of the third-term precedent. With that statement I disagree. Whether Mr. Coolidge, when he said that he did not choose to run, had in mind the third-term precedent, I do not know. I do not believe that anybody knows whether he even thought of that in making his decision. I know him very well. I know many of his most intimate friends intimately, and so far as I can find, nobody knows the reason upon which he based his determination not to run. But I have assumed, from the time he declared it, that that was his determined intention, and I have acted accordingly. While nobody, I believe, is more desirous than I that he should run again and be elected again, as he certainly could be, yet I have conceived that he has refused and I have consequently made another choice for the next candidate for President, for whom I am doing what I can. But I make no concealment of the fact that President Coolidge was my first choice, that I do not think his candidacy would violate the third-term tradition, and that the only reason I am not supporting him is his own refusal to run.

But if we adopt this resolution, which reads "That the Senate commends observance of the precedent by the President," we intimate that we believe another election for Mr. Coolidge would not be an observance of the third-term precedent. With that I do not agree. It depends, it seems to me, in some measure upon how long a President has served. When President Roosevelt declared that it was a matter of substance rather than of form, he meant that he had served practically two full terms, two terms lacking six months, and that substantially that was serving two full terms. If he had served only a few months more than four years, I do not believe he would have thought he had served in substance two terms. President Coolidge has served less than two years of President Harding's term, and consequently I do not believe that was a term either in substance or in theory. Consequently his renomination and reelection would be no violation of the third-term principle. For that reason I oppose the last clause, "*Resolved*, That the Senate commend observance of this precedent by the President." It intimates directly that for him to be renominated and reelected would be a violation of the third-term precedent.

The only reason why I am not now advocating President Coolidge's renomination is not that I believe it is a violation of the third-term precedent, but that he himself has declined to be a candidate for reasons known best and, I suspect, known only to himself. Therefore, while I am perfectly willing to vote for the first clause of the resolution, as expressing rather bombastically a theory on which we are all agreed, I shall not vote for the resolution when it contains, as it does in its second clause, an intimation that the renomination and reelection of President Coolidge would be a violation of the third-term precedent.

Mr. BINGHAM. Mr. President, it seems to me that this matter is one which really is a proper subject for an amendment to the Constitution of the United States. There is, however, no provision of the Constitution at the present time limiting in any way the number of terms to which a President may be reelected. All amendments to the Constitution are naturally referred to the Judiciary Committee. There is nothing strange about that method of procedure even though the matter has been discussed widely throughout the country. Therefore it appears to me that there ought to be no objection to having the resolution carefully considered in the Judiciary Committee.

In view of the fact that the Senator from Wisconsin is unwilling to lay the matter aside so that those who desire to be heard on it may protect themselves until to-morrow, I should like to have a vote on the question as to whether the resolution may not be referred to the Judiciary Committee in accordance with my motion.

THIRD TERM AND ROMANIZED PRESS

Mr. HEFLIN. Mr. President, I do not see the necessity for referring this matter to the Committee on the Judiciary. It is a very simple resolution. I think most of the Senators have their minds made up on the resolution. We ought to vote on it to-day or get an agreement that we will vote upon it to-morrow. I think the Senator from Wisconsin [Mr. LA FOLLETTE] is correct in his suggestion that it might be pigeonholed in the committee, might be delayed indefinitely, and the Senate might not get a vote on it. It is already now the property of the Senate. This question has been discussed by people throughout the country. So far as I have been able to ascertain, the overwhelming sentiment is in favor of the resolution.

The two-term custom is firmly established in the minds and hearts of the American people. They do not want that custom tampered with. They do not want it broken. Dr. Nicholas Murray Butler, a very distinguished Republican, sometimes a candidate for President on the Republican ticket, has said that when a President takes the oath twice he has had two terms in the minds of the American people. When he is sworn in to serve as President of the United States two times, he to all intents and purposes has had two terms.

I know that there are some Republican partisans who would like to keep Mr. Coolidge in waiting, and if they should get in a deadlock in the convention among Mr. Hoover, the Senator from Ohio [Mr. WILLIS], Vice President Dawes, the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], the Senator from Idaho [Mr. BORAH], Governor Lowden, of Illinois, and perhaps the Senator from New Hampshire [Mr. MOSES], they would then bring the President out and suggest that he be nominated in order to break the deadlock.

Mr. SACKETT. Mr. President—

The PRESIDING OFFICER (Mr. BLEASE in the chair). Does the Senator from Alabama yield to the Senator from Kentucky?

Mr. HEFLIN. I yield.

Mr. SACKETT. That is a pretty good list, is it not?

Mr. HEFLIN. Yes; it is a pretty good list.

Mr. SACKETT. All able men?

Mr. HEFLIN. Very able men.

Mr. SACKETT. Any one of them would fill the office with credit to the United States?

Mr. HEFLIN. They are very able men. I do not know how creditably they would fill the office, being Republicans; but there are some of them who, if we have to have a Republican President, I would not object to seeing President.

Mr. SHORTRIDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from California?

Mr. HEFLIN. I yield.

Mr. SHORTRIDGE. The Senator is not going to overlook the candidate from Nebraska, is he?

Mr. HEFLIN. The distinguished Senator from Nebraska [Mr. NORRIS]? I do not know yet on just what ticket he will run. If the Republican Party is controlled by the special interests, it may be that he will not submit to a nomination made at Kansas City.

Mr. President, there is one question here on which Democrats and Republicans alike ought to stand together, and that is the third-term proposition. That means much to our people and much to free institutions in America. The anti-third-term tradition ought never to be broken. There ought not to be any hesitancy whatever on the part of the Senate when that question is raised. We ought to go on record quickly and unanimously in favor of standing by the two-term custom.

Mr. SHORTRIDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from California?

Mr. HEFLIN. I yield to the Senator.

Mr. SHORTRIDGE. I recognize the Senator as a very regular member of the Democratic Party. May I inquire whether he is not opposed to a second term for a President under the present four-year limitation?

Mr. HEFLIN. No. I am in favor of the present plan. I am in favor of two terms carried on regularly and orderly, but when a President dies and a Vice President succeeds to his place and serves as President Coolidge did and then is reelected for a full term, if then he should run again he would violate the custom and it ought not to be.

Mr. SHORTRIDGE. I put the question to the Senator, remembering as I do full well the platform of the Democratic Party which was adopted in 1912. The Democratic Party then adopted a platform declaring its opposition to a second term.

Mr. HEFLIN. But I think they provided for a six-year term.

Mr. SHORTRIDGE. They provided for one term.

Mr. HEFLIN. And then making the candidate ineligible. I personally would rather have two four-year terms. [Laughter.]

Mr. BINGHAM. The Senator will realize that this morning we are not discussing the Democratic candidate but the Republican candidate.

Mr. HEFLIN. I understand that, but, Mr. President, the metropolitan press seems to be determined to nominate Mr. Hoover for the Republicans and Mr. Smith for the Democrats.

Mr. BRATTON. Mr. President, will the Senator from Alabama yield to me?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New Mexico?

Mr. HEFLIN. I yield.

Mr. BRATTON. Discussing the Republican candidate is purely an academic question, while discussing the Democratic candidate is a matter of reality.

Mr. BINGHAM. It certainly seemed real the other day on the floor of the Senate.

Mr. HEFLIN. Mr. President, I merely wish to say that the newspapers, the metropolitan press, by their Republican correspondents are going through the South and going about in the West, are trying to make the public believe how popular and strong Governor Smith is for the Democratic nomination. He is nothing like so strong as he was on the 1st of January. He is strong only in the columns of the newspapers. One can get with a group anywhere and ask them about the Democratic situation. Now and then one will tell you Al Smith will be nominated. If you ask him if he is for him, he will tell you no. If you ask him if he knows anybody that is for him, he will tell you no. If you ask him, "Well, how did you get the impression that he would be nominated?" he says, "I get it from the newspapers."

Mr. President, the metropolitan newspapers are carrying exactly what they are told to carry. They are seeking to pick out a nominee for the Democrats whom they think will be easily defeated; and they have certainly hit on the right candidate when they have selected Governor Smith to be the standard bearer of the Democratic Party. [Laughter.]

I do not intend that these Republican correspondents shall go through the South and the West manufacturing political medicine for the Democratic Party. Who authorized these Republican agents to go out and represent the great party of Jefferson and Wilson? They go down through South Carolina and North Carolina and Alabama, where newspapers are changing hands over night, where the Al Smith slush fund is being made manifest on every hand, and they come out and tell us what is going to happen, that Smith is growing, that he is gaining in strength. Mr. President, he is not gaining strength. He is not going to carry any delegates from the South; unless he shall carry some delegates in the State of Louisiana. With that exception, I do not expect to see him get a single vote from a single Southern State.

Mr. President, while I am on my feet I desire to say that by using the "boycott" and other means of coercion and intimidation, the Roman Catholic political machine has muzzled a large portion of the press of the country and made it impossible to get important truths to the American people. When that machine is caught doing things that are harmful to American ideals and institutions you will strive in vain to get these newspapers to publish them. So the press that we once boasted was free is now being muzzled and shackled by this dangerous, antagonistic, and intolerant power. Shall we fold our arms and quietly submit to its dangerous, un-American demands, or shall we insist that the press of this country shall be indeed and in truth a free press to publish the truth and the whole truth about matters that affect the welfare and preservation of this American Government? I care not whether that truth affects Protestants, Catholics, or Jews, the people whose Government this is are entitled to know the truth. The Master said, "Know the truth, and the truth shall make you free."

If you want to know the newspapers that are owned in the open or in secret or partly owned or controlled by this dangerous Roman Catholic political machine, see the list of the newspapers in the United States that have recently attacked, misrepresented, and slandered me because I told the truth in the Senate about the reprehensible and un-American activities of the Roman Catholic political machine. At the crack of the whip of their master they all yelped in unison in Alabama and elsewhere. Pigs, when you pour the swill in the trough in front of them, never responded more quickly and unanimously with their grateful squeals than did this pack

of unprincipled and cowardly newspapers respond with their bartered attacks upon me when the whip cracked and the coin clinked in their ears. They trampled their honor, if they had any, under foot. They betrayed their country at the behest of a political machine whose coin was the moving cause and whose inspiriting power comes from Rome.

Did Senators observe from these recent outbursts of newspapers how well or generally they have placed them in the various States of the Union? They have gone into nearly every State and established newspapers or bought newspapers, or an interest in newspapers, as I am sure they have done in my State, for the purpose of putting out of business newspapers they could not control and for the purpose of keeping the truth from the people, and they are now controlling and operating newspapers that used to be against Al Smith and all that he represents, but they are now supporting him and fighting the eighteenth amendment to the Constitution of the United States.

Having gained control of a large portion of the press, this Roman Catholic political machine has now directed its newspapers to attack free speech in this body. These Romanized newspapers are urging the suppression of free speech in the Senate. They are complaining that the Presiding Officer does not hold that I can not discuss in the Senate of the United States the very dangerous and pernicious activities of the Roman Catholic political machine. They also suggest that the Democratic Senators should forget their Democracy and Americanism and trample under foot the Constitution of the United States and demand that I be silenced in the interest of and at the behest of the Roman Catholic political machine.

But that is not all. The so-called Democratic chairman of the State committee of Massachusetts telegraphed Senator ROBINSON to read me out of the Democratic Party because he, a Romanist, did not like what I have said about the political machine that he belongs to in the East. Then later on 13 members of the Massachusetts Legislature, members of this Roman Catholic political machine, calling themselves Democrats, telegraphed the Governor of Alabama demanding that he call the legislature in extra session for the purpose of having the Democratic members read me out of the Democratic Party.

And then, going from bad to worse and adding insult to insolence, they call on the Democrats here in the Senate, and Democrats everywhere, to read me out of the Democratic Party because they do not want the people to know the truths that I am telling about their program and purpose, and threaten that if they fail to read me out of the party they—the so-called Democrats of Massachusetts—will not send delegates to the Democratic National Convention at Houston, declaring as their reason that they put the interest of the Roman Catholic political machine above the Democratic Party.

But that is not all. A secret fraternal order of Roman Catholics, with headquarters at Chicago, has through its chief officer, one Thomas H. Cannon, written letters to Senators asking them to vote to expel me from the Senate. He would have this done because I have dared to tell the Senate of some of the dangerous doings of the Roman Catholic political machine.

Mr. President, was there ever such a colossal example of unmitigated gall and idiotic asininity found in one group of beings that walk on two feet? Senators, do you want the reckless, intolerant, and tyrannical members of this machine to get control of this Government?

Mr. President, free speech is perhaps the brightest jewel that sparkles in the diadem of liberty; and here in the Senate of the United States it shines as it does in no other law-making body under the sun. And yet agents of the Roman Catholic political machine have been bold and brazen enough to call on Democratic Senators to read me out of the Democratic Party, and they have demanded that Senators vote to expel me from the Senate of the United States because I uttered truths in the Senate that they did not want the American people to know. They were willing to prevent free speech in the Senate, and destroy the rights of the citizen, and tear down constitutional safeguards in order to shield and keep hid the insidious activities of the Roman Catholic political machine. And not a one of the Al Smith controlled newspapers in Alabama has criticized a single agent of this Roman Catholic political machine for seeking to suppress free speech in the Senate or for their insults and insolence to a United States Senator from Alabama.

Mr. President, in a further effort to pursue and punish me, one of the Roman Catholic editorial writers of the New York World not only attacked and misrepresented me but wired to my home town, Lafayette, Ala., and suggested in his telegram to the editor of the *Lafayette Sun* that he would pay a good price for the right kind of a story regarding me and my standing with the people of my home town in Alabama.

The desire and purpose to influence the sending of a statement harmful to me is clearly seen in the telegram inspired by the agents of the Roman Catholic political machine of New York. I will read the telegram:

CATHOLICS THREATEN US WITH FORCE BILL

On Friday last the Western Union Telegraph Co. delivered to this office a telegram from the New York World, as follows:

"How are Senator HEFLIN's attacks on Catholics, Smith, ROBINSON, and others regarded by his fellow citizens of Lafayette? Please wire opinions leading men, including your own editorial comment. Will remunerate suitably."

Do you get that expression, Senators? "Will remunerate suitably." Is not that a remarkable telegram? They suggest very plainly to this editor that they are willing to pay a good price for "editorial comment" in keeping with their villainous attacks upon me. Listen to the last words of the telegram: "Will remunerate suitably." In other words, they were conveying the idea that a statement favorable to me would not get much money, but a story unfavorable to me would bring a very substantial check. What they wanted from the people of my home town in Alabama was a story that was unfavorable and harmful to me; and that is what they meant when they said "Will remunerate suitably." But they did not get what they wanted. A telegram sustaining me and commanding my course, signed by the mayor, probate judge, and other county officers, bankers, and merchants and ministers of all denominations was sent, which reads as follows:

Leading men of Lafayette and Chambers County thoroughly approve Senator HEFLIN's stand against involving United States in war with Mexico and South American countries, and indorse his position against Catholic agencies relating thereto. The overwhelming sentiment in this section for prohibition and against Governor Al Smith for President is truly reflected in the position Senator HEFLIN has assumed on the questions in the Senate. Senator HEFLIN's denunciation of Hearst meets popular approval of Chambers County people. People generally regret Senator ROBINSON's injecting himself in debate without seeming cause.

Mr. President, if that Al Smith bunch had known that such an answer would come to them, they would never have sent the telegram offering to "remunerate suitably" for editorial comment on my standing at home.

I am calling attention to these things in order to get certain facts in the Record, and for the purpose of showing the Senate and the country, by concrete cases and incontrovertible facts, that the agents of this Roman Catholic political machine put the purpose and program of that machine above free speech in the Senate and above the Government of the United States.

Mr. President, Dr. Charles Chiniquy, for many years a Roman Catholic priest, in his book called "Fifty Years in the Church of Rome" tells us that this Roman Catholic political machine plans first to capture and control the large cities of the United States and then get control of the National Government. He quotes the Roman Catholic editor of the *Freeman's Journal*, the then official organ of the Catholic Bishop of New York, who declared that the time will come in the United States "when not a single Senator or Member of Congress will be chosen if he be not submitted to our holy father, the Pope."

Mr. President, they evidently think that that time has come. The bold and brazen agents of Rome's political machine have invaded the Capitol with their attacks upon me. They sit in yonder press gallery, obeying orders to watch, misrepresent, and slander me. They have attacked free speech in this body and have solemnly called upon American Senators to vote to expel me, a Protestant American Senator, for daring to discuss in the Senate of the United States the iniquitous and un-American activities of the Roman Catholic political machine. They have said by that that their plans and purposes—it makes no difference how despicable and dangerous they may be—shall not be discussed in the Senate of the United States. They would have us cowardly assume in silence the position that if the Roman machine wants war with Mexico, the Senate will do its bidding and declare for such a war. Not if I can prevent it, Mr. President!

I repeat, the agents of the Roman Catholic political machine of the State of Massachusetts have invaded my own State of Alabama with their impudent and insolent attacks upon me. They have declared political war upon me in the State where I was born, where the people have twice elected me to come here and in their name defend our country against all enemies, both foreign and domestic, and the *Union and Times*, of Buffalo, N. Y., official mouthpiece of the Roman Catholic hierarchy, has declared its intention to have me defeated for reelection to the Senate in 1930.

And this is the political machine that is now doing everything in its power to put Al Smith, the nullifier and wet Tammanyite, in the White House!

PRESIDENTIAL TERMS

The Senate resumed the consideration of the resolution (S. Res. 128) submitted by Mr. LA FOLLETTE.

THE PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Connecticut to refer the resolution of the Senator from Wisconsin to the Committee on the Judiciary.

MR. BRUCE. Mr. President, as this resolution will come to a vote, and I am very averse to any misconception of the motives by which I shall be influenced in voting for it, I feel that it is incumbent upon me to say a few words in relation to it.

The resolution is just a little like a wasp; that is to say, its sting is in its tail. It is obviously not so much the purpose of the Senator from Wisconsin [Mr. LA FOLLETTE] to reaffirm the time-honored, third-term tradition as to embarrass the President of the United States and his friends should he be brought up at any time by his party, willingly or unwillingly, as a candidate for another presidential term.

I hasten to say, therefore, that I am out of sympathy with the last clause of the resolution, which resolves that the Senate commends observance of the third-term precedent established by Washington and other Presidents by the present President of the United States; and this notwithstanding the fact that I do approve and do indorse with the full force of any moral or intellectual power that I may possess the first portion of the resolution, which reaffirms the ancient, the patriotic, the beneficent, as I see it, American third-term presidential tradition.

I am bound to say that I was not altogether satisfied by the protestations of the Senator from Massachusetts [Mr. GILLETTE] that the present President of the United States has abandoned all idea of being a candidate to succeed himself. It seemed to me, with due respect to the Senator from Massachusetts, that he left the door just a little ajar, so that if the opportune moment should come the President might find his way back through it to a different position from that which he has recently taken about being a candidate again. It seems to me that the Senator from Massachusetts, in his observations, justified, at least, a slight suspicion upon my part that the present President of the United States is still held by the Republican Party in reserve as a sort of gun behind the door, not expected necessarily to be used, but convenient to be used should there be any occasion to use it, for Presidential purposes.

Whatever may be the disposition of his friends, though a Democrat, I am not willing to put President Coolidge in that position.

I think, as the Senator from Wisconsin [Mr. LA FOLLETTE] said, that the language of the President when he first addressed himself to the subject of a third term was more ambiguous than it should have been. I think it would have been wise for him to have translated what he said from Vermontese into English; for I for one confess that I did not understand exactly what he meant when he declared that he did not "choose" to be a candidate for the office of President. But I am told by persons who are much more familiar than I am with the peculiarities of the New England vernacular—and the Senator from Vermont [Mr. GREENE] will correct me if I am wrong—that when a Vermonter says that he does not "choose" to do a thing, he is stating positively that he will not do it.

However that may be, only a few weeks ago President Coolidge declared to the Republican National Committee, in what I conceive to be plain, clear language, that the Republican Party must look about for another candidate for the Presidency than himself. Of course, even then he did not use such absolutely unconditional language as that used by ex-Secretary Hughes, when he affirmed that not only was he not seeking the nomination to the Presidency but that he would decline it if tendered to him. Secretary Hughes, however, is one of those individuals who uses the English language with such a degree of lucid and nervous precision as few men are able to do.

I say in all sincerity that I take the President at his word. I believe that he is too honorable a man, I believe that he is too upright a man, I believe that he is too frank and candid a man, deliberately to attempt to create the deceitful impression throughout the country, for a time at least, that he does not intend under any circumstances to be a candidate for the Presidency when all the time there is lurking in his heart the thought that in some contingency or other he may become a candidate.

Until I am disabused of my present impression, I shall believe that President Coolidge, in declining to be a candidate for a

third term, has been actuated by the same honorable, patriotic, old-fashioned scruples by which Washington was actuated, by which Jefferson was actuated, by which Madison was actuated, by which Monroe was actuated, by which Andrew Jackson was actuated, when they voluntarily indicated their unwillingness to become a candidate for a third term.

I do not hesitate to say that should the President be weak enough, after having taken the position that he has taken with reference to a third presidential term, to allow his name to be used as the Republican candidate for the Presidency, he would be far from having the high standing with posterity that he would otherwise have.

I will be just enough to him to believe that he has burned his bridges behind him and has cut himself off from every pathway of retreat and that the Republican Party must look elsewhere than to him for a candidate for the Presidency at its next convention.

MR. CARAWAY. Mr. President, will the Senator yield?

MR. BRUCE. I yield.

MR. CARAWAY. From the number of Republicans who are offering themselves, they are not going to have to travel very far to find a candidate, are they?

MR. BRUCE. With a few exceptions, I do not think that they can find anybody who would be quite as well qualified, perhaps, for the nomination as President Coolidge.

MR. CARAWAY. I did not say a good candidate, or a successful candidate, but I said "a candidate."

MR. BRUCE. It seems to me one could hardly throw a stone nowadays without hitting a Republican candidate for the Presidency.

MR. CARAWAY. I would like to throw the stone.

MR. BRUCE. The Bible says, "He that is without sin, let him cast the first stone." Perhaps my friend, the Senator from Arkansas is sinless enough to be able to do that; though I am not prepared to commit myself irrevocably to that proposition.

I merely wish to reassert, as an American citizen, my belief in the value—I almost said the sanctity—of this third-term tradition. Mr. President, you may well judge of the intensity of my own feelings in relation to it when I tell you that I would not vote for any Democratic candidate for a presidential third term though he were a Thomas Jefferson, though he were an Andrew Jackson, though he were a Grover Cleveland, though he were a Woodrow Wilson.

MR. BORAH. Mr. President—

THE PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Idaho?

MR. BRUCE. I yield.

MR. BORAH. The Senator from Maryland is a great historian, and I want to ask him if it is his opinion that it was on account of Washington's desire not to establish a precedent against a third term that he retired at the time he did?

MR. BRUCE. That was the impression of his contemporaries, because about the time of his retirement Congress said:

We can not be unmindful that your moderation and magnanimity, twice displayed by retiring from your exalted stations, afford examples no less rare and instructive than valuable to a republic.

So his contemporaries felt that the real motive to be assigned to Washington's declination to be a candidate for the Presidency again was the belief upon his part that he could not accept a third election to the presidential office without jeopardy to the liberties of his people.

MR. BORAH. It is a fact, though, that Washington never at any time, so far as I have been able to ascertain, referred to the acceptance of a third term as being inimical to the liberties or sound political principles of our Government. He based his retirement entirely upon the proposition, so far as I can recall, that political conditions at the end of his second term were such that he thought he could retire without failing in his public duty; and, secondly, on account of his personal desire to be out of public life.

MR. BRUCE. I think that the latter motive must have had not a little to do with his decision, because, as we all know, there was nothing that Washington loved quite so much as Mount Vernon, unless it was American liberty. Of course, it is true that at one time he took occasion to say that he was not fully in accord with Jefferson's views with respect to a third term. But, all the same, as I have said, when he later declined a third term, the significance that was attached to that action by his contemporaries, especially the Members of Congress, was that he was recognizing the dangers that lurked in the lack of the proper degree of rotation in high executive posts.

MR. BORAH. Mr. President, if it will not interrupt the Senator—

MR. BRUCE. Not at all.

Mr. BORAH. I have always felt that the third-term proposition as a principle was established by Jefferson. Jefferson was from the beginning opposed to a third term on principle.

Mr. BRUCE. He was.

Mr. BORAH. And he was the first President to state, on his retirement, that it was on account of principle that he refused to accept a third term.

Mr. BRUCE. I think it is true that he was the first President who gave a distinct utterance to the third-term prejudice.

Mr. BORAH. Jefferson, it is true, cited the fact that Washington had retired as a proper precedent to be followed; but Washington did not base his retirement on the ground that he thought a third term was wrong in principle. He said, in effect, that had the political conditions been the same at the end of his first term that they were at the end of his second term he would have consulted his own personal pleasure and retired then.

Mr. BRUCE. I am not saying that Washington ever made any specific declaration of any kind with reference to the third-term idea.

Mr. FESS. Mr. President, will the Senator yield?

Mr. BRUCE. I yield.

Mr. FESS. The Senator will remember that Washington voted in the Constitutional Convention against the proposal to limit the term to seven years and make the President ineligible for reelection.

Mr. BRUCE. The Senator's memory on that is no doubt much clearer than mine.

Mr. FESS. The Senator referred a while ago to a statement of President Washington. That appeared in his letter to La Fayette.

Mr. BRUCE. Yes.

Mr. FESS. In that he distinctly denied the wisdom of making the President ineligible.

Mr. BRUCE. I would not put it that way. He distinctly indicated that at that time he was not fully in accord with the views of Jefferson on the subject.

Mr. FESS. Will the Senator yield further?

Mr. BRUCE. Certainly.

Mr. FESS. Is it not true that Jefferson declared against a second term, as well as Madison and Monroe and Jackson, each one declaring for a single term?

Mr. BRUCE. No; that is absolutely not the case, as I recall. The last utterance of Mr. Jefferson on the subject—I think I happen to have it before me—was what he said in his autobiography:

The example of four Presidents voluntarily retiring at the end of their eighth year, and the progress of public opinion that the principle is salutary, have given it, in practice, the form of precedent and usage, insomuch that should a President consent to be a candidate for a third election I trust he would be rejected on this demonstration of ambitious views.

Mr. FESS. The Senator will recall that that statement was made in 1826, the very year that Mr. Jefferson died.

Mr. BRUCE. Yes.

Mr. FESS. I am referring to preceding statements on the question of limiting Presidents to one term. Jefferson, Madison, and Monroe had taken that view, historically.

Mr. BRUCE. That is not my recollection of the matter. In his autobiography Jefferson also used these words in speaking of the continuance of the President in office:

That this continuance should be restrained to seven years was the opinion of the convention at an earlier stage of its session, when it voted that term by a majority of 8 against 2, and by a simple majority that he [the President] should be ineligible a second time. This opinion was confirmed by the House so late as July 26, referred to the Committee of Detail, reported favorably by them, and changed to the present form by final vote on the last day but one of their session. Of this change three States expressed their disapprobation—New York by recommending an amendment that the President should not be eligible a third time and Virginia and North Carolina that he should not be capable of serving more than 8 in any term of 16 years.

Mr. BORAH. Mr. President, may I ask the Senator from Ohio if it is not true that when Jefferson and Monroe and Madison declared for a single term it was in connection with the fact that the term should be seven years?

Mr. FESS. No.

Mr. BORAH. I do not recall that they ever declared for a single four-year term.

Mr. BRUCE. I certainly do not.

Mr. FESS. All the men I have mentioned, including Jackson, have made official statements against reelection, against the subject of eligibility to reelection.

Mr. BRUCE. Let me call the attention of the Senator from Ohio also to the language in a letter to the Legislature of Vermont, if I am not mistaken, in which Jefferson declared that he should be "unwilling to be the person who, disregarding the sound precedent set by an illustrious predecessor, should furnish the first example of prolongation beyond the second term of office."

Mr. FESS. That was the year before his second term closed.

Mr. BRUCE. I do not think that any profit is to be gained, with due respect to the Senator, by running the present colloquy out, because I do not think that he will find anywhere a declaration on the part of Mr. Jefferson in favor of a single term, unless, as the Senator from Idaho suggested, that term were prolonged beyond the duration of four years.

Mr. FESS. I shall take the time, when the opportunity offers, to give the historical statements and point out just when those statements were made by these men. I have made a study of this question and I am not talking from impressions. I am talking from the documents. All the men I have mentioned were against reelection. That was fundamental.

Mr. BRUCE. All the language which I have quoted is, of course, inconsistent with the impression which the Senator from Ohio entertains. There is no doubt about that.

Mr. BORAH. It is certainly true that Madison, Monroe, and Jackson all proceeded by their acts to disavow their declarations to which the Senator from Ohio refers.

Mr. FESS. Certainly.

Mr. BRUCE. So far as Andrew Jackson is concerned, the Senator from Wisconsin failed to mention the fact that he suggested, certainly once, a constitutional amendment limiting the reeligibility of the President.

Mr. FESS. And the Senator will recall that President Cleveland in his first inaugural came out in favor of limiting to one term, and yet he accepted a second election.

Mr. BRUCE. I do not know anything that is really so—I will not say melancholy, because that is too strong a word—but so well calculated to stimulate reflection as the human weakness that has been shown by some of the great men who have filled the presidential office when the lure of a third term was held out to them. Wilson, of course, in more respects than one yielded to the natural impulse to prolong his official life. Roosevelt most conspicuously did so. After declaring that there was no distinction of substance to be taken between a President elected twice by the people and a President who was Vice President in the first instance and then became President, he actually afterwards became a candidate for the Presidency. From reading the last biography of Cleveland I am satisfied that if the call had come to him very strongly to be a candidate for a third term he would have been a candidate. That is, as I have said, human weakness. That is but the love of fame, which has been called "that last infirmity of noble minds."

Mr. FESS. Mr. President, will the Senator yield?

Mr. BRUCE. Certainly.

Mr. FESS. The Senator, I think, ought to say that in the case of Woodrow Wilson there was no inconsistency. While he was elected on a platform containing a declaration for one term, he never committed himself to it that I know of, and never mentioned it afterwards.

Mr. BRUCE. I do not know but that a man commits himself at least to a certain degree by standing on a party platform and taking his chances on it at a national election and being elected. That is a very nice question of political ethics.

Mr. FESS. It is generally known that President Wilson never agreed to that language. I do not mention him in connection with any inconsistency. He was not inconsistent. But I think it is true in Cleveland's case and in Jackson's case, and in the cases of Monroe, Madison, and Jefferson. In all those cases it is true, but not in the case of Woodrow Wilson.

Mr. BRUCE. The only Presidents that we have had who were firm enough to wave aside the crown when it was offered to them upon the Lupercale were Washington and Jefferson.

Mr. FESS. And he did it not because of the test of three terms, but upon personal reasons.

Mr. BORAH. Jefferson did not do it for personal reasons. He pointedly rested his refusal to accept a third time on the ground of principle, on the claim that a third term was perilous to republican government.

Mr. BRUCE. In other words, Jefferson thought that if a President was elected a third time it would be easy for his third term to run into a fourth, and still easier for his fourth term to run into a fifth, and still easier for his fifth term to run into a sixth. In other words, he said, to use his own graphic language, for nobody ever used words more vividly than did Mr. Jefferson, that where a President is continued in

his exalted office, term after term, there is danger of his tenure "sliding into an inheritance."

Mr. FESS. Mr. President, will the Senator yield?

Mr. BRUCE. Yes; I yield.

Mr. FESS. The Senator from Idaho referred to Jefferson. The Senator from Maryland referred to Washington. That is the only difference.

Mr. BRUCE. Oh, no; I said Jefferson also. Of course, Mr. Jefferson, as the Senator from Idaho so well reminded us, planted himself upon the rock of principle, of irrefragable principle.

Mr. FESS. I misunderstood the Senator.

Mr. BRUCE. Perhaps so.

Mr. FESS. I would not want to be understood as saying that Jefferson put it aside on personal grounds. I thought the Senator said Washington.

Mr. BRUCE. No; I said both. I think it is fair to infer that the declination of Washington, too, was influenced by the belief that a third term was a thing unfriendly to the perpetuation of American liberty.

Mr. FESS. There is no dispute of that fact.

Mr. CARAWAY. Mr. President—

Mr. BRUCE. I yield to the Senator from Arkansas.

Mr. CARAWAY. I could gather nothing else from reading Washington's declination of the office, that he put it upon the higher ground of his country's interest. The whole tenor of his speech was that, I certainly think it would be attributing to him motives that can not be found in the text to say that he put it upon the ground that it was inexpedient.

Mr. BRUCE. I should not have limited my statement that only two Presidents have really declined a third term, to Washington and Jefferson, because for all practical purposes Andrew Jackson, too, did decline one. It is my belief, also, that if the tender of a third term had been actually made to Madison or Monroe they would have been impelled by the example of Jefferson, their political chief and devoted personal friend, if by nothing else, to reject the tender. My statement was too sweeping.

Mr. BORAH. Is it not true that Washington at one time declared that he was not in favor of limiting the number of terms which a President might occupy the chair?

Mr. BRUCE. I think so. But, as I recollect, that was not very long after the adoption of the Federal Constitution, and in the meantime the third-time prejudice was growing and waxing stronger and stronger, as Washington himself must have realized. Later it was to become little less than part of the Federal Constitution.

In my judgment there is nothing in the idea that there is any solid distinction to be drawn between a President who becomes Vice President and then, under the provisions of the Constitution, has the office of President devolve upon him and is afterwards elected as President, and a President who has been twice elected by the people.

Something has been said in this discussion about the possibility of a Vice President not becoming President until a very short time before the expiration of the term of the President with whom he is associated, but on the other hand it must be recollected that it is an entirely possible thing for the Vice President to become President a very short time, even one day, after the election of the President himself. The Senator from Idaho or the Senator from Ohio will correct me if I am wrong, but I think it was only a month or so after his inauguration that President William Henry Harrison died.

Mr. FESS. One month.

Mr. BRUCE. So it is possible for the Vice President to become President in a very brief period after the President is inaugurated, and to fill out, for all practical purposes, the entire term of four years as President.

Mr. CARAWAY. It is not a question of the length of time he serves. It is the number of times he takes the oath of office.

Mr. BRUCE. It is the danger that lurks in keeping the same man in a high executive post like that year after year and the opportunities which are afforded him in such a post of building up with official patronage and other public favors a powerful organization of friends and adherents whose fortunes depend largely upon the perpetuation of their chief in office.

Mr. FESS. Mr. President, will the Senator yield?

Mr. BRUCE. I yield.

Mr. FESS. Would the Senator's view be carried to the extent that in case the President died on the 3d of March, just one day before his term ended, and the Vice President was inaugurated as the President for one day, that the principle would still hold good?

Mr. BRUCE. Yes; because a President might die on the 5th of March immediately after the day on which he is inaugurated.

Mr. FESS. In other words, the Senator thinks that the people of the country should be denied the privilege of voting for a man except for one term provided that he had one day more than one term.

Mr. BRUCE. I do, because we must have a general rule. Who knows anything that is final about the laws that govern human mortality? The President might die immediately after his inauguration as well as on the day before he goes out of office, so we must have a general rule applicable to all cases.

Mr. BORAH. The question of the Senator from Ohio is to the effect that the people would be denied the right to vote for a man because he had had one extra day. The people are not denied the opportunity because this is not a constitutional provision. I have always been of the opinion that it is perfectly safe to leave this matter with the judgment of the people.

For instance, I have always felt that if Lincoln's first term had been a second term and I had been living I would have voted for Lincoln for a third term. There are exigencies and extraordinary conditions which might justify that, but it is one of the things that, under the precedents and traditions of the country, we can leave to the sound judgment of the American electorate, and the chances are that under those circumstances no man will ever be President a third time even if he were nominated.

Mr. BRUCE. That may be.

Mr. FESS. If that is the view of the Senator, I agree with him.

Mr. BRUCE. Circumstances wholly extraordinary might arise in the course of our history under which the services of some one individual might become indispensable. That is imaginable, but after all that is such a comparatively remote contingency that it does not break the force of my argument to admit its distant possibility.

Mr. FESS. If that is the view of the Senator, I quite agree with him that it could be left to the people to do what they choose to do; but I suppose, while we have not that provision in the Constitution, we are proposing to pass a resolution to that effect. If the resolution does not have the effect of law, what is the use of passing it?

Mr. BRUCE. So far as I am concerned I am willing to give it the force of law, absolutely inviolable law. In other words, I wish very much that it was in the Constitution, but I would have it in a little different form. What I should like to see—and I imagine possibly what the Senator from Idaho would like to see—would be a provision in the Constitution that the President was to be elected for seven years, say, and then was to be ineligible for all time thereafter.

Mr. BORAH. Mr. President, I have always been opposed to that theory, but I am frank to say that I am disposed to change my mind. At least I have a more open mind. I am not so sure but that I would be willing, notwithstanding some views I have heretofore expressed, to support a constitutional amendment providing for a seven-year or six-year presidential term, the President not to be reelected. I think possibly that would be the best way to dispose of the matter.

The Senator from Ohio [Mr. Fess] speaks about the adoption of this resolution having the force and effect of law. Of course, the Senator from Ohio knows that it would not have the force and effect of law. It would be simply an expression of this body and the other body that would help to mold public opinion and strengthen and buttress the anti-third-term tradition and more thoroughly establish it as a tradition in the political life of the American people; but it would not have the effect of law, even though the Senate should adopt it and the House of Representatives also should adopt it.

Mr. BRUCE. The Senator from Idaho knows, though, that the strength of—

Mr. LA FOLLETTE. Mr. President, will the Senator from Maryland yield to me?

Mr. BRUCE. I will yield in just one moment. The Senator from Idaho knows, of course, that the strength of a people consists often as much in the respect that they have for custom, usage, and tradition as for written law. Indeed, there is often something more powerful about the sanction of a tradition than about the sanction of a law. A law may or may not be in harmony with public opinion, but a tradition can only live and be respected *ex proprio vigore*, of its own vigor, independent of constitutional or statutory law. Now I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, I merely wish to say in response to the suggestion of the Senator from Ohio [Mr. Fess] that the passage of a resolution similar to the one now pending by the House of Representatives had a very salutary effect at the time when Grant was considering being a candidate for a third term.

Mr. BRUCE. Indeed it had. That resolution was passed under circumstances which demonstrated more powerfully than anything in our entire political history how deeply embedded in the profoundest convictions of the American people is the anti-third-term tradition.

There we had as a candidate for the Presidency General Grant, a military hero, a man who had done, perhaps, more than any other individual in the United States, except Abraham Lincoln, to preserve the Union, a man around whose honored head respect, admiration, and affection clustered; and yet, notwithstanding the strenuous efforts made to nominate him for a third term, and the leadership in the movement to nominate him of a man of commanding political genius—Roscoe Conkling—the attempt to nominate him completely miscarried. The American people were not willing that even General Grant, military hero as he was, should be President of the United States for a third term.

Mr. FESS. Mr. President, will the Senator from Maryland yield to me?

Mr. BRUCE. Yes.

Mr. FESS. The resolution mentioned by the Senator from Wisconsin [Mr. LA FOLLETTE] was adopted in 1875.

Mr. BRUCE. Yes; that is true. I spoke of the Springer resolution. I was really thinking of 1880. But in 1875, as the Senator from Wisconsin suggests, there was that Springer resolution, which was adopted by the House of Representatives by a vote, as I remember, of 251 to 18, declaring that the third-term tradition was for all practical purposes a part of the Constitution of the United States.

Mr. FESS. Mr. President, will the Senator from Maryland yield for a correction there?

Mr. BRUCE. Yes.

Mr. FESS. That resolution was offered by Mr. Springer, of Illinois, at a time when the Republican Party was divided into two factions; in fact, the opposition to General Grant was so strong at the end of his first term that the Liberal Republican Party was created. That opposition, of course, was joined in by the Democrats, and ultimately, as the Senator will recall, in 1872 Horace Greeley was nominated on the Liberal Republican ticket by the faction which broke away from the old Republican Party. It was upon that occasion that the Democrats in convention indorsed the Liberal Republican candidate.

Mr. BRUCE. Of course—

Mr. FESS. Will the Senator from Maryland yield further?

Mr. BRUCE. Certainly.

Mr. FESS. The factions were so bitter against General Grant that it not only lead to a split in the party and a third organization with a presidential ticket in the field, but it left him without any considerable support either in the House of Representatives or in the Senate. It was then, in 1875, that Springer offered the resolution, and 164 Democrats, every Democratic Member of the House, voted for it, and all the Republicans but 18 voted for it, representing the antagonism to General Grant's administration. So there was no possibility of General Grant at that time being favorably considered for a renomination.

Mr. BRUCE. But how about the situation in 1880, when he offered himself as a candidate for a third term?

Mr. FESS. The situation then was entirely different. That was when Roscoe Conkling espoused his cause, as the Senator has narrated.

Mr. BRUCE. Of course, I am not saying that in 1875 the situation was not complicated to some extent by factional considerations and was not shaped to some degree by factional influences; but the real compelling thing that led to the adoption of that resolution was this salutary, as I see it, apprehension that the American people have always entertained of a third term. That that was true was shown by the failure of General Grant only five years later to be nominated for a third term, because of the refusal of the majority of the members of a Republican National Convention to nominate him.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. BRUCE. Yes.

Mr. LA FOLLETTE. The reason why I referred to the Springer resolution was because the Senator from Ohio a moment ago made the suggestion that the adoption of the pending resolution would have no effect. There are historians—although they may not, in the opinion of the Senator from Ohio, be as able or as well informed as he—who maintain that the passage of the Springer resolution was the very thing which put the quietus upon the Grant boom.

Mr. BRUCE. That is very likely. The Senator from Ohio will be interested when I tell him something in connection with the convention at which General Grant sought a third term. Some time ago I received a letter from one of General Grant's sons, Mr. Ulysses S. Grant, of California, and a most interest-

ing and delightful letter it was, referring to the aspirations of his father to be President of the United States for a third time. To give an idea how general, how potent, the opposition to a third term was at that time, Mr. Grant wrote me that he himself was so strongly prepossessed against a third term that he endeavored to induce his father not to be a candidate for one.

Mr. FESS. Mr. President, will the Senator yield further? Then I will not interrupt him any more.

Mr. BRUCE. Certainly. I am nearly through.

Mr. FESS. In matters of history I regard the Senator from Maryland as one of the most accurate Senators that grace this body, and when he speaks upon a matter of history I always listen.

Mr. BRUCE. I will say to the Senator, do not listen to me too confidently—

Mr. FESS. I do.

Mr. BRUCE. Because the Senator knows that, while there is such a thing as impromptu eloquence, there is no such thing as impromptu history.

Mr. FESS. No; but the Senator always makes a difference between history and imagination, though most people do not. What I want to ask the Senator is this: In view of the divided condition of the Republican Party at the end of the second term of General Grant, with the Liberal Republican Party having broken off and conducting a campaign against Grant, does the Senator believe that there was any possibility or likelihood of General Grant becoming a candidate for a third term; and does he believe that the Springer resolution had anything whatever to do with it?

Mr. BRUCE. To be perfectly honest with the Senator, I do not believe that under any circumstances in the past, in the present, or in the future, it has ever been, or is, or ever will be possible for any man to become President of the United States for a third term.

The Senator knows, because I happened, at the request of the New York Times, to write a paper for that journal last summer on the subject of the third term, and the Senator from Ohio was asked to reply to it. What a tremendous broadside was on the point of being poured out by the press of this country against a third term for President Coolidge when it was arrested by the announcement of the President that he did not choose to be a candidate again for the presidential office! I was told at that time that even the Springfield Republican, which is an organ very close to the President, was opposed to the President being a candidate to succeed himself, and that when the President came out with his announcement no fewer than 13 of the leading Republican newspapers of this country friendly to the President had declared their disapproval of his renomination. I have heard those things from reliable sources, though I have never had an opportunity fully to verify them. The truth, I believe, is that a storm of the very greatest magnitude was brewing when the President made his announcement. There was every indication that the latent hostility to a third term which exists in the breasts of the American people was about to be fully aroused, and to assert itself as it has never failed sooner or later to assert itself when provoked.

I have already said that I do not think that the President harbors any idea of being a candidate, but it is my view that if he were to be a candidate, if he were not defeated on any other ground he would be defeated because he was a candidate for a third term.

Mr. FESS. Mr. President, will the Senator permit another interruption?

Mr. BRUCE. Take me, for instance. I am nothing but an ordinary Democratic voter; but, as I have already said, I would not vote for any Democrat whatsoever for a third term, and if I have heard one I have heard many Democrats say the same thing. And I have heard Republicans say the same thing, too. One of the most prominent Republican Senators on this floor said to me to-day—there is no occasion for mentioning his name—that under no circumstances could he be induced to vote for any candidate for President who was seeking the Presidency for a third time.

Suppose General Grant had been elected President of the United States for a third time, and suppose that the country had then found itself involved in some widespread communistic or socialistic agitation, or caught up in the vortex of some sort of revolutionary movement; how easy would it have been for him to have passed from a third term to a fourth term; and then, as the sense of public insecurity became lulled to sleep more and more, to have passed to a fifth term, and perhaps to a life tenure.

Another thing: It is not only "the man on horseback" that needs to be dreaded in connection with this third-term tradition. There is the comparatively ordinary, commonplace, civil-

ian President who is subservient, without being grossly subservient, to the great moneyed interests of the United States. Take him for an illustration. How easy would it be for him, with the aid of the vast material influences of this country when alarmed by social unrest and dissatisfaction, to be continued from term to term as readily as some soldier President, when the barriers of the third-term tradition were once thrown down.

No; Mr. Jefferson was right. Let a President have a third term, and let that be succeeded by a fourth term, and that by a fifth term, and that President may well slide into an inheritance, to use Jefferson's phrase. People would become accustomed to the idea of continuity of tenure in the presidential office. Popular jealousy and vigilance might become dormant, and it is true now as always that "eternal vigilance is the price of liberty." Even under our American institutions we might have some situation like that which was developed in France when the great Napoleon became First Consul, and then, a little later, on the strength of his First Consulship, became the Emperor of France; or like that which was developed in France when the lesser Napoleon became President of France, and then, a little later, on the strength of his Presidency, became the Emperor of France.

The idea that we need not now maintain the same safeguards and muniments for the protection of our liberties that we have always maintained in the past will not stand examination. All human history moves in cycles. The problems of fifty or a hundred years ago are constantly coming in one form or another to the surface of human events again; and, if anything, it is more dangerous to continue a President now indefinitely in the presidential office than it was in the earlier history of our country, because influences that are particularly alive to the meaning of governmental stability and material prosperity are far more potent to-day than they were in the first stages of our national life.

There is also a secondary reason why this third-term tradition should be preserved inviolate, and it is this:

Benjamin Franklin once said that every old woman is a good woman. We know that this is not true of men, because some of the vilest and wickedest men that we have ever known were old men; but Franklin believed it to be true of old women. So it may be said that every President is a good President during his second term, when there is no prospect of his acquiring a third term. It is during the second terms of our Presidents that the people of the United States have obtained all sorts of reforms—valuable, permanent reforms—that they were unable to obtain during their first terms.

Almost all the great extensions, for instance, of our civil-service system, which I regard as on the whole the most admirable feature of our entire political administration, were willed to us, so to speak, by our more recent Presidents on their presidential deathbeds. When a President is no longer solicited by the fears and hopes of his first term, having dismissed from his thoughts the idea of again being elected to the Presidency, his chief object then is to stand well with posterity. He need watch the play of political intrigues and vicissitudes no longer. He knows that his name is about to pass down in history, either to be disparaged and belittled or to be glorified and beloved. A President must be a poor creature indeed who, during his second term, is not eager to leave to posterity some lasting, perpetual pledge of his regard for the higher interests of the American people.

But to elect a President to a third term and then to a fourth term and then to a fifth term, and the set of motives leading a President of the United States to take such high ground in a public sense during his second term, that I have described, will be lost to our system of civil polity.

But I have addressed myself to the pending resolution at entirely too great length. I will now merely repeat that while, for the reasons which I have given, I can not approve the concluding clause of this resolution, the rest of the resolution meets with my hearty, unreserved approval.

Mr. BINGHAM. Mr. President, we listened this morning to a very able argument by the senior Senator from Wisconsin [Mr. LA FOLLETTE] on his resolution. We also heard him say that he would like to secure an immediate vote on the resolution, although it had not been considered before to-day.

I have moved that the resolution be referred to the Judiciary Committee. It seems to me that the Senate has one or two bad habits. Perhaps it ill becomes me, as one of the junior Members, to speak of such a thing; but, having come from civil life more recently than most of the Members of the body, perhaps I have heard more criticism of our manners and customs here than they have.

To the general public, and I may say also to the historian, a Senate resolution is usually of just as great importance as a concurrent resolution or a joint resolution or a bill. The public

does not know how these measures are considered. The historian, in looking back, sees that the Senate has passed a Senate resolution, and reads the resolution, and takes it for granted that that is the embodiment of the mature consideration of this body. The public, when a Senate resolution is passed, usually takes it for granted that that is an expression of mature opinion.

Most students of politics know that ours is a committee form of government. Almost any school boy who has studied American history and American political science and the ways and manners and customs of our great Republic knows that this is a committee form of government.

When such a small matter as the nomination of a postmaster comes here it is referred to a committee for consideration. The least important bill is referred to a committee for consideration. Joint resolutions are nearly always referred to committees. By the peculiarity of the rules of the Senate, a Senate resolution lies on the table for one day, under protest, and then is considered in the Senate.

The supposition on which those rules are based, I take it, is that a Senate resolution is not a matter of very great importance, and therefore it does not need to receive that careful consideration among a few Senators chosen for the purpose of considering it that happens in the case of a bill sent to a committee.

And yet the Senator from Wisconsin objects to this resolution being referred to the Committee on the Judiciary, presided over by the able Senator from Nebraska [Mr. NORRIS], because he says that that would be a kind of lethal chamber where it would be chloroformed. I did not know that the Senator from Nebraska was accustomed to practice chloroforming in his committee. My observation of his activities have not led me to make any such supposition. But the Senator from Wisconsin thinks that the Senate ought, without careful consideration by a committee, to proceed to the passage of this resolution. By inference this resolution is a matter of so little importance, less than the appointment of a postmaster, that it does not need to be referred to a committee.

Now, Mr. President, it does not seem to me that this resolution is of little importance. On the other hand, it seems to me to be a matter of great importance—almost as important as an amendment to the Constitution. It might be said to lay down a definite policy.

The Senator from Maryland [Mr. BRUCE] has recently referred to a resolution passed in the House in 1875, referring to the question of a third term for General Grant, as being a matter which was of very great importance and great influence at that time.

Mr. LA FOLLETTE. Mr. President, will the Senator permit an interruption?

Mr. BINGHAM. Certainly.

Mr. LA FOLLETTE. When Mr. Springer introduced that resolution in the House there was a frantic effort made on the part of those who were opposed to the resolution to adjourn the House in order to secure time, in the hope that they would be able to prevent and defer action upon the resolution. However, those who supported the resolution, having studied it, and understanding its simple terms, prevented that action being taken.

Mr. BINGHAM. In other words, I understand that when that resolution passed the House it was rushed through without the same amount of attention being given it that is ordinarily given to measures which pass the Houses of Congress.

Mr. LA FOLLETTE. It was not given as much consideration as an appropriation bill or some other matter which requires a lot of debate. It was simply an expression of the sense of the Members of the House; and they were of sufficient intelligence to read the resolution, and decide whether or not it expressed their conviction, and to vote accordingly.

Mr. BINGHAM. I get the inference, of course; but it does not seem to me that the Senate always looks at a bill that is introduced to see whether it is so simple that the Members of this body are of sufficient intelligence to understand it immediately and therefore to pass it without reference to committees. It is usually only local bills—a bridge bill or something of that kind—for which there is great necessity, some local necessity, not a matter of general public interest, that is rushed through this body without being carefully considered in committee.

Mr. SHORTRIDGE and Mr. LA FOLLETTE addressed the Chair.

Mr. BINGHAM. I yield first to the Senator from California. Then I shall be glad to yield to the Senator from Wisconsin.

Mr. SHORTRIDGE. May I make this observation, trusting that some gentleman will consider it? I respectfully submit that neither the House nor the Senate has any constitutional authority to entertain or to pass this or like resolutions. This is a legislative body.

Mr. BINGHAM. I thank the Senator. Now, I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, I merely wish to say—and I do not desire to interrupt further the speech of the Senator—that I submit the proposition that this resolution is not being jammed through the Senate. The Senator well knows that I have no desire to cut off any debate that may be desired to be had upon the resolution. Furthermore, I should like to call the attention of the Senator from Connecticut, although he may not remember it, to the fact that a resolution very similar to this was introduced by me on the 22d day of last February, and was caught in the filibuster at the close of the session, and did not receive consideration; and the present resolution has been before the Senate for some time.

Mr. BINGHAM. Was the Senator's former resolution referred to a committee?

Mr. LA FOLLETTE. It was not, Mr. President, as is the case with most of these resolutions.

Mr. BINGHAM. That is just the practice to which I am objecting, and about which I am trying to say a few words, the practice of introducing a Senate resolution, which then goes to the table, and stays there until its author can call it from the table. In the great press of business, with the large number of bills that come before us, and the amount of committee work each Senator must do, it is practically impossible for a Senator to read all the resolutions which are on the table and know exactly what they contain. I knew in a general way that this resolution was on the table. I had not had an opportunity to read it until this morning, and the same applies to other Senators.

As I said before, if it is a matter of great importance it ought to go to a committee, as all other matters of great importance should do. The fact that it is not desired to have it go to a committee would seem to imply that it is not a matter of great importance. It has been suggested that it is merely a gesture, a political gesture. It is introduced by the representative of a State that has not been friendly to the present administration. Without making any personal reference, I well remember in the last Republican National Convention at Cleveland sitting just behind the delegation from Wisconsin, and when the name of the President of the United States was first mentioned in that convention, and the delegates from all the other States stood up and cheered, the delegates from the State of Wisconsin did not stand up, but sat in their seats, plainly showing their disapproval of the President of the United States.

Mr. LA FOLLETTE. Yes, Mr. President; and those delegates are very proud of the record they made at that convention.

Mr. BINGHAM. I am glad the Senator remembers the circumstance. The delegates from that State are proud of their record in showing their disapproval of the President of the United States, who was then nominated and elected by the largest majority ever given to any presidential candidate in this country.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. BINGHAM. In just a moment. It is also significant that this resolution was then favored by the genial and distinguished Senator from Alabama [Mr. HEFLIN], who has never been noted for his warm advocacy of the present occupant of the White House nor of the party which he represents. Therefore, Mr. President, it seems to me a perfectly logical conclusion to draw from this coincidence that this resolution, which can not be a matter of great importance, since its introducer does not desire it to go to a committee, is a gesture, an unfriendly gesture, against the present occupant of the White House.

Now I yield to the Senator from Iowa.

Mr. BROOKHART. Mr. President, the Senator has stated that President Coolidge was reelected, or elected, by the greatest majority ever given a presidential candidate in the history of the country. I want to call his attention to the fact that in his calculation he leaves out the 5,000,000 votes which were cast for La Follette, and when you count those votes against him his majority was not large; it was small, in fact. It was about 2,000,000, instead of 7,000,000, as the Senator's reference would make one believe. That is not a large majority, with the women voting.

Mr. BINGHAM. Mr. President, my recollection is that at some time during the past summer the Senator from Wisconsin announced that he was going to reintroduce this resolution, which, as he says, was on the table during the last weeks of the last Congress. He did not introduce it, however, at the beginning of the session, although I fully expected him to do so from what I had read of his intention in the papers when I was out of the country. My recollection is that it was not introduced until a certain newspaper published in this city published a poll taken through its constituents all over this country, a poll repre-

resenting a large number of people, chiefly country people, in nearly all of the States of the Union, a poll that showed presidential possibilities, both Republican and Democratic, and which further showed that it was the overwhelming wish of the people who took the trouble to cast their votes in this newspaper poll that Calvin Coolidge should be the candidate of the Republican Party in the next election. My recollection is that in that poll the President received as many votes as all other Republican nominees or candidates put together.

That was a poll which aroused considerable interest throughout the country, and some talk, and it was very shortly after that, and possibly due to that, that this resolution was introduced by way of preventing anything like a snowball from growing in favor of the present occupant of the White House receiving the nomination at Kansas City.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield.

Mr. CARAWAY. The Senator did not compare the President to a snowball, did he?

Mr. BINGHAM. The Senator is always able to draw his own conclusions from anything anyone says.

Mr. CARAWAY. The Senator mentioned the President and a snowball, and I did not know which one he was indorsing.

Mr. BINGHAM. I am sorry my vocabulary is so defective. Seriously, Mr. President, it seems to me that the resolution is not a matter of light importance. It is a matter of very great importance, and as a matter of great importance it ought to go to the Judiciary Committee and be passed upon. If it passes the Senate—and I understand there are votes enough to pass it—it will go down through time as an expression of formal opinion of the Senate of the United States on a matter of great public interest.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. BINGHAM. I yield.

Mr. NORRIS. The Senator has injected into this debate a new idea, or at least it is the first I have heard of it; and I must admit I have not been in the Chamber all during the Senator's remarks. I want to ask him whether he is laboring under the belief that this resolution is intended as a criticism or is intended in any way as a reflection upon President Coolidge?

Mr. BINGHAM. That is the general opinion, Mr. President, not alone of myself but of a number of other people. In passing let me mention the fact that its chief advocates are persons who have been markedly opposed to the President from the beginning. This lends color to that general belief.

Mr. NORRIS. I notice that the resolution itself extends a vote of thanks to President Coolidge for having joined the ranks of those who are opposed to a third term. I have no idea that it is intended as any reflection upon President Coolidge.

Mr. FESS. What is the significance of the second resolution?

Mr. NORRIS. It is a sort of vote of thanks to President Coolidge for having failed to choose. If we strike out everything else, I presume the Senator from Connecticut will support the resolution.

Mr. BINGHAM. The Senator from Nebraska has been one of the most cordial supporters of the President of the United States in everything that he has done?

Mr. NORRIS. Yes.

Mr. BINGHAM. And therefore I have no doubt that his interpretation of it must be correct, and that it is really a vote of thanks to the President!

Mr. NORRIS. It does not follow from the fact that I have been such a cordial supporter of the President, taken at a hundred per cent, that I could better interpret a resolution than could the Senator from Connecticut, who has always been pulling the President down, saying derogatory things about him, trying to embarrass him here in the Senate, and opposing his policies, and so forth and so on.

Mr. SHORTRIDGE. Mr. President, I suggest that the reporters insert "sarcasm" after that.

Mr. NORRIS. I did not suppose that criticizing the President had anything to do with our ability to construe a resolution.

Mr. BINGHAM. Mr. President, I suppose I may take it for granted that the Senator from Arkansas [Mr. CARAWAY] is a supporter of the President.

Mr. NORRIS. I was surprised that the Senator in his wisdom should think that the resolution was intended to cast any reflection upon the President of the United States.

Mr. CARAWAY. Mr. President, may I ask if the Senator from Connecticut remarked that I was a supporter of President Coolidge?

Mr. BINGHAM. For fear lest the printed word might be misunderstood by those who can not see the expressions on our

faces, I will say that I never have accused the Senator from Arkansas seriously of supporting the President of the United States, although he favors this resolution.

Mr. CARAWAY. From what does the Senator draw that conclusion?

Mr. BINGHAM. From a remark I just heard the Senator address to the Senator from Indiana.

Mr. CARAWAY. The only thing I said was that the only person I knew of who was supporting the President for a third term was the Senator from Ohio, in opposition to his own colleague, and it filled me with grief that that got out. I was trying to confine that to the Senator from Indiana and myself. But now that is out.

Mr. WATSON. I did not believe it.

Mr. CARAWAY. The Senator winked at me, and everybody knew that he concurred in what I said.

Mr. SHORTRIDGE. Mr. President, with the Senator's permission, in the interest of posterity, I respectfully suggest that the reporter be authorized to insert at this point of the proceedings that much that has been said by the amiable Senator and aspiring President from Nebraska, and by the Senator from Connecticut be set down as sarcasm, so that history, when she comes to look lovingly upon this episode, may understand that they were not speaking seriously, although seriously sarcastically.

Mr. BINGHAM. Mr. President, at this point I should like to have the clerk at the desk read a very interesting editorial from the oldest daily newspaper in the United States, which is published at Hartford, Conn., the Hartford Courant. It concerns this resolution.

The VICE PRESIDENT. Without objection, the clerk will read.

The Chief Clerk read as follows:

[From the Hartford Courant, Thursday morning, February 2, 1928]

Senate and Third-Term Precedent

If Senator LA FOLLETTE is against allowing a President to serve for more than two terms, the thing for him to do is to introduce a resolution to submit to the States for ratification or rejection a constitutional amendment forbidding the President to serve more than six years, eight years, or whatever period the Senator has in mind. We do not believe that Congress would or should adopt such a resolution, and we do not believe that the States would or should accept such an amendment. There would, however, be point and force in a resolution of this sort. There is neither point nor force in Senator LA FOLLETTE'S resolution, which would declare it to be the sense of the Senate that departure from the two-term precedent would be "unwise, unpatriotic, and fraught with peril to our free institutions."

Such a resolution, if adopted, would have no force as law and no influence on public opinion. Possibly it could be forced through the Senate as a purely partisan measure, but no shrewd person would take it for anything else than a partisan measure and an empty time-wasting gesture.

The omission from the Constitution of a limitation on the number of terms a President may serve is not accidental. It is conceivable that circumstances might arise which would make it highly advisable that a President continue in office for more than two terms. Nor need these circumstances necessarily be of a drastic nature. The electorate might choose, and properly choose, to reward with a third term an exceptional President who had given them an exceptionally satisfactory administration. It would be unwise to create obstacles to prevent them from doing so. "Reeligibility of the President," wrote Hamilton in the Federalist, "is necessary to enable the people, when they see reason to approve of his conduct, to continue him in the station, in order to prolong the utility of his talents and virtues, and to secure to the Government the advantage of permanency in a wise system of administration."

We suspect that Senator LA FOLLETTE neglects to sponsor a resolution submitting an antithird term amendment to the States because he knows that such a resolution and such an amendment would be contrary to public sentiment and would fail. But if public sentiment is hostile to such a resolution and such an amendment, why should the Senate waste time and fly in the face of public sentiment by expressing on this question an opinion that, in view of the present political complexion of the upper House, would have no value whatsoever?

Mr. BINGHAM. Mr. President, I submit that this resolution is in the nature of a political gesture, put forth by the enemies and opponents of the present occupant of the White House, and put forth to make it impossible or difficult for the Republican Party to nominate him if they see fit or to elect him either at this or any other time, either in the year 1928 or in the year 1932.

I submit that this is too important a measure to pass the Senate under the influence of personal feeling and partisan prejudice, and that, therefore, it should go to the Judiciary

Committee where it will not be chloroformed but will receive such able consideration as amendments to the Constitution receive at the hands of that committee.

It seems to me that the resolution in its present form is extremely unwise. In the first paragraph it reads that it is the sense of the Senate—

that any departure from this time-honored custom of not reelecting a President who has had two terms "would be unwise, unpatriotic, and fraught with peril to our free institutions."

Surely no one can believe that a time might not come, as in the middle of the great World War, when we might come to the end of the second term of a President, and it might be absolutely necessary for the life of the Republic that that President be reelected. I am sure that had Woodrow Wilson's term come to an end in the middle of the war, while we were still at war, he would have been reelected without any question. To say that any departure from this custom would be "unwise and unpatriotic and fraught with peril to our free institutions" is to overlook the possibility that such an event might happen in the middle of a great war.

Mr. NORRIS. Mr. President—

Mr. BINGHAM. I yield to the Senator from Nebraska.

Mr. NORRIS. The Senator referred to President Wilson and the World War. Just prior to that he said in effect, as I remember it, that if in the midst of a great war the President's term of office should expire, the very life of the Republic might depend upon the reelection of that President. I will admit that that would be a reason for the reelection of a President if his conduct of the war had been satisfactory. I can not conceive, however, that it would be as serious as the Senator puts it, and I want to ask if the Senator believes, if President Wilson's office had expired during the middle of the war, that the life of our country would have depended upon his reelection as President?

Mr. BINGHAM. By the Constitution the President of the United States is the Commander in Chief of the Army and Navy.

Mr. NORRIS. Oh, yes.

Mr. BINGHAM. While it is possible to carry on a battle if the commander in charge of that battle is killed, the Senator will know, from his study of history, that such an event usually causes the loss of the battle. When the Commander in Chief is taken away at a critical moment it frequently results disastrously. Furthermore, we have an old and homely adage in New England that one should not swap horses while crossing a stream.

Mr. NORRIS. If that be true, if the Senator has diagnosed the case correctly, then in the middle of the war if Woodrow Wilson should have died our country would have gone to pieces because the entire Army and Navy were without a commander. Does not the Senator know, or will he not admit, that while the President of the United States is, under the Constitution, the Commander in Chief of the Army and Navy, that immediately upon his death the Constitution provides for somebody else to take the reins of office, and that it is also true that while the President is technically the Commander of the Army and Navy, nobody expects him to go out on the field of battle and command them. He remains in Washington, and the commander who really commands the Army and who has charge of the Army in the battle field is selected by the President, and that he would not be disarmed or his office would not be taken away from him even though the President should die right in the midst of a battle.

Mr. BINGHAM. Does the Senator from Nebraska think that if Abraham Lincoln had died in 1863 or in the middle of the War between the States the outcome would have been the same, or that the cause of the Union would not have been placed in great jeopardy?

Mr. NORRIS. I do not think that the cause of the Union would have failed. It would have been a wonderful catastrophe, I admit that—something that nobody would want to happen. But the fact of a President dying or his term of office expiring in the midst of a war does not demonstrate, and it does not follow from that—and this is the point I wanted to call to the attention of the Senator—that the life of the country is dependent upon it.

Mr. BINGHAM. Perhaps not the very life, but the prosperity of the country and the success of its enterprise. I think no one will deny that if Abraham Lincoln should have died in the middle of the War between the States it would have been a calamity of the very first order.

Mr. NORRIS. I think it would.

Mr. BINGHAM. And it might have jeopardized the Union cause. It is impossible to say what would have happened had the then Vice President come into the office. It seems to me that some provision should be made in this resolution whereby, when the country is in a state of great emergency, as in the midst of a

great war, we might reelect the President who is carrying on that war successfully.

Mr. WATSON. Mr. President—

The PRESIDING OFFICER (Mr. ROBINSON of Indiana). Does the Senator from Connecticut yield to the Senator from Indiana?

Mr. BINGHAM. I yield.

Mr. WATSON. I think I can see the direction in which the mind of the Senator from Nebraska is drifting; that is to say, if the Senator from Connecticut were to say that the election came in the midst of the war, as in the case of Woodrow Wilson, and that his defeat would endanger the war, whether or not the Senator from Connecticut would have voted for Wilson's reelection.

Mr. NORRIS. I did not get the full drift of the Senator's statement.

Mr. WATSON. I was suggesting that evidently the Senator from Nebraska was inducing the Senator from Connecticut to say if Woodrow Wilson's term had expired in the midst of the Great War and the success of the war had depended on his reelection, whether or not the Senator from Connecticut would have voted for Woodrow Wilson's reelection.

Mr. NORRIS. The Senator from Connecticut would have done that, of course. That follows as a matter of course. The Senator from Connecticut has just stated that if the term of the President expired during the war, it meant destruction of the country. Of course, we do not want to say that the Senator from Connecticut wants to destroy the country. He is loyal, of course. However we may disagree with him in some of his conclusions, we are not going to charge him with disloyalty.

Mr. WATSON. I am very glad my friend from Nebraska has answered that question for the Senator from Connecticut without his intervention.

Mr. NORRIS. There is only one answer that can be given, from what the Senator has said.

Mr. WATSON. I do not think the illustration used by my friend from Connecticut, who is always so apt in his choice of language, is quite fit and appropriate. That is to say, the fact is that Woodrow Wilson was repudiated by the people themselves before the close of the war when they elected a Republican Congress, but the war went on to its close. But there might come a condition far more stringent, far more exigent, than the case to which my friend has referred. There might come a condition where the reelection of a President might be absolutely essential to the preservation of the life of the Nation.

Mr. NORRIS. It might be.

Mr. WATSON. It never has yet occurred.

Mr. NORRIS. We can imagine such a condition. For instance, it might happen that the President might die, the Vice President might die, and all the leading Republicans in the Senate might die, and the country would go to smash. There would not be anybody to take his place. There would not be anybody to legislate.

Mr. WATSON. Oh, the Democrats would be here! [Laughter.]

Mr. NORRIS. We might even go further and say it is possible that an earthquake should take place and kill 90 per cent of the Senators and Members of the House all in the twinkling of an eye. We would not have any Government left. That would be a serious thing.

Mr. WATSON. There would be a great uprising of candidates.

Mr. SHORTRIDGE. It might be highly beneficial to the country.

Mr. NORRIS. It might be hard on us, and good for the country. I would like to call the attention of the Senator from Connecticut to the fact that, as I understand his position to be, we would have to have an amendment to the Constitution which would provide that in the case of war or other great danger, if the term of the office of the President by the Constitution expired, he should be automatically continued in office until the war was over. I do not see any other way out, because we can imagine, no matter what kind of a Constitution we have or how great the President may be, a condition that would bring destruction and disaster to the whole country, if not to the civilized world.

Mr. WATSON. Then why legislate on a proposition of this kind as against a catastrophe that might occur?

Mr. NORRIS. The reason why we legislate on anything is on the theory that the things that are going to happen, in the imagination of people who are always afraid that something extraordinary and unnatural might happen, never do happen and never will happen.

Mr. WATSON. On the other hand, if my friend will permit me, no man ever yet has been nominated for the Presidency for a third term. That may never happen.

Mr. NORRIS. I think it is a sentiment which ought to be continued and developed and permitted to grow, that that should not occur in the future. I am surprised that anybody's position on the pending resolution at this time should be ascribed to his love or his dislike of President Coolidge. I do not claim to be very great or to have a very bright mind, but I would be ashamed of myself if I were so narrow that I could not consider a resolution of this kind without being moved by my dislike or my love for anybody, whether he be President or not. I am surprised that it should be charged to anybody that his support or his position, and there are grounds for being on either side, should be on the narrow ground of his like or dislike of any person, or whether he is favorable or unfavorable to a third term for President Coolidge. That might have been charged when the resolution was introduced before, but now I do not see how it has anything to do with it. I was delighted that it was to come up at a time when I supposed there would not be any such prejudice injected into the discussion.

Mr. BINGHAM. The Senator will realize that it was introduced just after a popular expression of opinion in favor of the President serving again.

Mr. NORRIS. I had in mind also that it was introduced after the President had reaffirmed his statement that he would not be a candidate. The fact that a Senator is standing in his place now making an argument here, as I understand the argument, on the ground almost entirely that it will do away with the possibility of President Coolidge being nominated for a third term, if we pass this resolution, is what I can not understand.

Mr. BINGHAM. Surely the Senator will not contend that that is not its object.

Mr. NORRIS. No; so far as I am concerned, that is not its object. It is a great deal broader than that.

Mr. BINGHAM. What is its object?

Mr. NORRIS. If the Senator wants me to tell it in his time—

Mr. BINGHAM. I will yield the floor to the Senator.

Mr. NORRIS. I shall be delighted to explain the object as I understand it.

Mr. BINGHAM. Will the Senator tell us at the same time why he objects to the resolution being referred to his committee?

Mr. NORRIS. Yes. If I should forget to do that, will the Senator call my attention to it, and I will follow it up. I have not anything to conceal, so far as I am concerned, in connection with the pending resolution. I may be entirely wrong about every idea I have, but I am not ashamed of any that I have. I am ready to tell them, and I am ready to answer any question that I can answer that anybody wants to submit to me. I will do my best.

Mr. CARAWAY. Mr. President, before the Senator commences, will he call the attention of the Senator from Connecticut to the fact that the very language against which he now protests received the vote of every Member of the House from New England when it was introduced in 1875?

Mr. NORRIS. I understand that to be true. If I am wrong about that, I should like to have the Senator from Wisconsin correct me.

Mr. LA FOLLETTE. I think that is substantially correct, Mr. President.

Mr. NORRIS. Not only the language was the same, but every Member of the House of Representatives from New England voted for it.

Mr. BINGHAM. Mr. President, in this connection, may I call the attention of the Senator to the fact that that resolution was jammed through without being properly considered by a committee? My chief objection to the procedure in which the Senate is now engaged is that it is an effort to go ahead and do something of great importance on the spur of the moment without having it receive that consideration in committee which is given to practically every measure that comes before this body, be it great or small.

Mr. NORRIS. Very well.

Mr. CARAWAY. I presume that the Senator is attributing to the New Englanders who voted for the resolution in 1875 lack of information that they could have acquired if they had had another week or two to study the language?

Mr. NORRIS. The Senator is certainly ascribing to the New England Representatives—

Mr. CARAWAY. Ignorance.

Mr. NORRIS. A failure to take the course they would have taken if they had given proper consideration to that resolution.

Mr. CARAWAY. That they absolutely voted without due information.

Mr. NORRIS. That they did not have the information they ought to have had.

Mr. CARAWAY. I have often thought that was true, but I never had the courage to say it.

Mr. NORRIS. That they would not have voted as they did if the resolution had been referred to a committee.

I started to say, for the benefit of the Senator from Connecticut [Mr. BINGHAM] mainly, that my reason for supporting this resolution is one that has no partisanship in it and is without regard whatever to any man or to any President. I am not going to be dissuaded from doing my duty as I see it, however erroneous I may be, by the charge that is made sometimes that I am moved by a feeling of animosity toward the President. In the first place, I have no such animosity; I deny that kind of charge. I say here and now that I have not any feeling of unfriendliness toward the President of the United States; I hope I may never have such unfriendly feeling; but, on the other hand, I feel that I am perfectly free and that I am not under the control of the whip or lash of anyone because he happens to be President of the United States. If it were the fact that he was my closest, personal, confidential friend, I would still feel that I should vote on this question, as well as on any other, without regard to his wishes after I had informed myself so that I thought I understood what was the proper course to pursue.

As I look at this resolution, it is important; and, while our action will have no legal effect, it may have some moral effect; it may have some historical effect. It may do some good; I think it will. I may be entirely mistaken about it. Legally it can have no effect whatever. We all admit that. It is important, because, in my judgment, if a President of the United States, should our present partisan political conditions that I am going to speak of in a moment continue, were allowed to renominate himself, as he could, it would mean—not perhaps in my lifetime, or it may not be in the lifetime of anyone here—but it would mean ultimately the establishment in this country of a monarchy upon the ruins of our present republican form of government.

We ought to consider this question in the light of surrounding conditions. I think we should have another change in the Constitution that would take away a great deal of the danger that comes from a reelection two or three times of the same man to the office of President; but at the present time, under our political conditions here, to be President a man must first be nominated by one of the dominating parties.

In theory it is possible to be elected otherwise; as a matter of practice it is an impossibility. So a President wishing to be renominated, if he wants to use the power that is his, after he has been in office for some time, can compel his party—whatever party it may be, either one of the dominating parties—to renominate him. That is almost universally conceded. Again, it is possible that may not be true, but in all probability, taking the doctrine of chances, that is true. He reaches out with his mighty hand into every hamlet, every crossroads, and every post office; every United States marshal, every United States district attorney, all the judges, all the United States officers everywhere are his appointees. Take human nature as it is, and not as we would wish it to be, and everyone of those officials feels somewhat of a personal obligation to the man who gave him his position. If we eliminate all feelings of partisanship, of jealousy, of selfishness, and just take men and women as they are, honest as the bulk of them are, they would feel friendly to the man who gave them their positions. But that is not all, for we must take into consideration the selfishness, the jealousy, and the avarice of political machines. He does not have to be, but if he wants to be the President is at the head of the machine that is in power; he is at the head of the one that has the entire country within its grasp, within its grip, and can through the power that he possesses, using the officials who are under him and who range down to the lowest on the list, round up delegates; he can control conventions as no other man on earth can control them. We know that to be true. If Presidents were nominated at a primary, it would not be so bad, but they are not nominated in that way; they are nominated at national conventions, where the rank and file of the people have practically nothing to say as to what the program shall be. He nominates himself by using the instrumentality that the law gives him on account of his position.

Now, let me use as an illustration the case of President Coolidge. I use it only as an illustration; I go on the theory that he is not a candidate, and hence if I were his bitterest foe I would not be casting any reflection upon him when I make the statement. It seems to me the man who says he is a candidate is practically saying that he is dishonest and deceitful and is trying to deceive the American people. Take him at his word. So I am using his case merely as an illustration.

Before he issued his famous statement that he did not choose to run he was recognized quite generally as being a candidate, as wanting to be renominated and then reelected to the office of President. Nobody else was in the field; everybody conceded that he could nominate himself if he wanted to do so. To begin with, we have an unhealthy condition. The man who is at the head of the political machine in power is recognized by his friends and his foes as being able to renominate himself, and there is no contest over it; there is no competition; there is a trust, there is a monopoly of the nomination as far as his party is concerned. That is always injurious; that is always detrimental to a free government; that always tends toward the abolition of freedom on the part of the citizen and happiness on the part of humanity generally.

Mr. WATSON. Mr. President—

Mr. NORRIS. I yield to the Senator.

Mr. WATSON. About four-fifths of all governmental positions are now under civil service. Does the Senator think that a President could renominate himself with a great body of people against him and—

Mr. NORRIS. I thank the Senator for that suggestion.

Mr. WATSON. Wait until I put the question.

Mr. NORRIS. I thank the Senator for calling my attention to it; I would have forgotten it. I will answer that.

Mr. WATSON. But I have not completed the question.

Mr. NORRIS. I will let the Senator ask another one. I would have forgotten it if he had not called my attention to it, and I am under obligations to him.

Mr. WATSON. I have not finished the question as yet.

Mr. NORRIS. A large number of Government officers and employees are under civil service. Suppose that the first time a President renominates himself it is not necessary, as it would not have been in the case of President Coolidge, to call on the civil-service employees. It would not have been necessary for him to say anything to them; probably in a general way most of them would have been for him because they got their places under his administration. But suppose he has done nothing wrong so far as the civil-service employees are concerned in order to secure the nomination—

(At this point a message was received from the House of Representatives, by Mr. Haltigan, one of the clerks.)

Mr. WATSON. The Senator did not permit me to ask my question.

Mr. NORRIS. I caught the Senator's question; I am going to answer that one first.

Mr. WATSON. The Senator did not catch the question, because I never finished it.

Mr. NORRIS. Then I will let the Senator ask me another one afterwards. The Senator must let me run this proceeding. I will permit him to ask me another question as soon as I get through with this one.

Mr. WATSON. The Senator has not permitted me to ask the first one.

Mr. NORRIS. I am going to answer the Senator's question now, and then let him ask me another, and, slow as I may be, I will finally get around to it.

Here are many officials and employees under the civil service; the President for the first time gets a renomination and is reelected, and we have turned the wheel of progress that many points backward when that is done. He has the office; he has tasted power; and it is human nature for the man who has power to use it all and to reach out and get a little more, and if he gets a little more he will stretch that a little bit, and the next time, the fourth time, or the third time; yes, even the second time, the President of the United States can wipe the civil-service provisions off the statute books and put every post office at every crossroads upon the political pie counter. He can do that to-day if he wants to; he has it within his power; and such things are going to happen if we put a monarch in the White House. If we keep on in the direction of having a Mussolini, the time will come when there will be no civil service for anybody; it will be wiped out by an order of the President. That is a danger that is in the immediate future if we keep on in this direction.

If I were cruel, if I were inclined to bring partisanship into this discussion, as I think the Senator from Connecticut believes I am trying to do, and as some Senators seem to think partisanship is involved in it, in the case of a Republican President renominating himself, I would point my finger to the "solid" South, to the organization of the Republican Party down there, which everybody knows is corrupt, which is a disgrace to civilization, which ought to disgrace and does disgrace any administration that continues it in power; yet any Republican President has the power, if he wants to wield it, to line up the "solid" South just as a master can line up his slaves.

Now, I am ready for the next question the Senator from Indiana wishes to ask me.

Mr. WATSON. I have never finished the first one as yet.

Mr. NORRIS. Very well; let the Senator finish it, but I thought he had done so.

Mr. WATSON. In the first place, I disagree entirely with the Senator that a President could mobilize those in office under the civil service. I should think that fully half of them are Democrats right now, and that the President could not mobilize them if he wanted to, because they are opposed to him politically.

Mr. NORRIS. Mr. President, my observation—

Mr. WATSON. Hold on; wait a moment. The Senator has not let me ask my question as yet.

Mr. NORRIS. The Senator keeps putting something up and I am going to answer as I go along, because if I do not I will forget it, and I am going to answer that question now. My observation is that the power of a political leader, the power in this case of a President, to mobilize Democrats is just as easily exercised and as great as it is to mobilize Republicans, and we have seen that illustrated right here in the Senate.

We saw, after we got through with a filibuster against the ship subsidy bill, that the lame ducks were rewarded with places at the political trough, given fat jobs and fat salaries; and it applied to Democratic Senators just the same as it did to Republican Senators, although the man who gave them the feed and poured out the soup was a Republican President.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. NORRIS. In a moment. I want to get through with the Senator from Indiana first.

Mr. WATSON. Does my friend mean to say that because of that fact the Senators on the other side of the aisle would have supported him for the nomination for the Presidency?

Mr. NORRIS. No.

Mr. WATSON. Certainly not.

Mr. NORRIS. But there are a whole lot of fellows that he gave jobs to who would have done it. They might have been precluded from getting into a Republican primary or a Republican convention; but it is true right now in the South, where, in many instances, the Republican machine is indorsed by Democratic officeholders, and they work with it, and the Republican machine brings that about by giving to some of these Democratic officeholders some pieces of political pie. So when you want to mobilize a lot of fellows you can get plenty of fellows to mobilize in any political party that I have ever known about if you will give them something for mobilizing.

Mr. WATSON. Now, may I ask the Senator a question?

Mr. NORRIS. Yes.

Mr. WATSON. I thank the Senator. I want to ask two, asking one at a time.

With half the officers Democratic now, as I undoubtedly think they are, does the Senator believe that President Coolidge could have renominated himself purely by the official force in the United States if the very great body of the Republicans in the United States had been opposed to him? Can a President, by using the official power that he wields and that the Senator says he wields, renominate himself if the great body of his party are against him?

Mr. NORRIS. Now, let me answer that question.

Mr. WATSON. I will.

Mr. NORRIS. Nine times out of ten he can do it. The Senator has coupled with the question the clause "if the great body of the party are against him."

Mr. WATSON. Yes.

Mr. NORRIS. It depends upon how great a body of the party that would include. I can conceive of a condition where the great bulk of the party would be against him, where they would get bold enough so that they could say so openly without being charged with being traitors to their country; but that does not happen very often. That did not happen in President Coolidge's administration. I know that men who said they were not in favor of his renomination, said it courteously, said it gentlemanly, were denounced as traitors to the Republican Party because they refused to follow their leader. The trouble is that it is not only the fellows who hold office—and again I thank the Senator for calling my attention to it, because I might have forgotten it—but it is the bulk of the machine, private individuals, private corporations who are making money out of the party, who are in it for other purposes besides holding office, scattered all over the country. If they are satisfied, the unseen government, the political machine, the political bosses, all line up in favor of the man in power, if he is giving them a sufficient amount of the pie to make it profitable for them to be there.

We know that was true. We know, everybody knows, and it was conceded, that President Coolidge could have renominated himself if he had desired to do so and to use the power that

was his and under his control; and in my judgment it is to his credit that he refused to be tempted eventually, and did not use it.

Mr. WATSON. I want to ask the Senator a question right there. Does not the Senator believe, though, that President Coolidge was strong enough with the great body of the Republicans of the United States to have been renominated without an appeal to the official force?

Mr. NORRIS. I will answer that by saying that that question is absolutely immaterial and irrelevant.

Mr. WATSON. Oh, no; not at all.

Mr. NORRIS. It has not anything to do with the question at issue.

Mr. WATSON. Yes, it has.

Mr. NORRIS. Suppose President Coolidge is a saint. Suppose he is all that some of those think who follow him when they think he is going to be renominated and reelected—the most powerful person on earth, one who could not do any wrong, one who is perfect. Suppose all that; still, that is no argument why this resolution should not be adopted, and that is no argument why we should not prevent, if we can, Presidents from being reelected to a third term.

So I say it is absolutely beside the question to say that President Coolidge was sufficiently popular that he could have gone in without using anything that was unfair. For the sake of argument, let us admit that to be true. I do not believe it is, but I am going to admit it for argument's sake. So much more ought we to say that we will not establish precedent here that is going to come home to plague our children when we are gone.

Read Washington's Farewell Address, where he tells us about the danger of a precedent. The first time wrong is done and the precedent established, it may be done by a good man with the best of intentions; but the precedent is established, and in future years that precedent will be used by the demagogue and the rascal to perform his tricks and to fool the people.

Mr. WATSON. I come now to the final question I want to ask the Senator, which is what I believe is the logical conclusion of the other questions I have been asking, namely:

The Senator, then, denies that the great body of the American people should have the right to elect a President a third time in this Government of the people, even if they want to do so?

Mr. NORRIS. No, Mr. President. It would not always follow that the President would be elected. If we did not have any such thing as an electoral college, if we did not have political machines that control nominations, and if there were some practical way for anybody to run independently for President of the United States and have a square, honest fight before the people, I would not care whether this resolution went up or down; but it is the conditions that exist that make me think that it is important that we should pass it.

When we let a Republican or a Democrat, either one, control the nomination and nominate a man as President, we have then taken away from the rank and file of the party or of the people the right to make that nomination. We have taken away the right of self-government, which in theory we give to these people, all of whom are supposed to have an equal voice in the nominating of their candidate; and when another candidate on another ticket, the ticket of the only other party, is controlled by a political machine, and then the election comes, the people do not have a square deal. They do not have an opportunity to vote their sentiments. They are confronted with a proposition where they must choose what in their judgment is the lesser of two evils.

The right of self-government to that extent has been denied to them. They have been euchiéd out of it by the political machine; and although they might rise up in their might, although in theory it could be done, under our present way of doing business and carrying on our political things here, with the existence of the Electoral College, it is a practical impossibility for them to do it. Hence the danger of the control, by the means I have enumerated, of one of the dominant parties of our country. Even though we say that the other party may then come into power and at the election elect its candidates, it nevertheless has taken away from millions of honest, patriotic citizens the right to participate in the selection of a candidate of their choice, of their party, representing ideas supposedly at least with which they agree, and they are compelled to vote for the candidates of another party, representing an entirely different idea of government; and hence they are, in effect, disfranchised.

Mr. FESS. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. FESS. Would not the Senator's argument against the President having the power to renominate himself apply to the second term just as well?

Mr. NORRIS. Yes; I admit that it would, but I will not admit that it would apply with the same effect. The principle

would be exactly the same; I admit that; and if I had my way, Mr. President, if I could fix the Constitution as I wanted to, I would fix it so that the President of the United States should have only one term—I might make it longer; I would not quarrel whether it was six, or eight years, even—and disqualify him. But it is true that at the end of the first term, in theory, the same conditions exist. The only difference is that the longer he stays in, the longer he remains in the office, the greater that power is, the more rapidly it accumulates, and the more reason there is why he should use it for selfish purposes.

Mr. FESS. Would the Senator's argument lead to the conclusion that the practice we have of renominating a President for a second term has grown up through undue influence on the part of the President?

Mr. NORRIS. It has often been true, I think, that there has been very great influence used. I think that is true.

Mr. FESS. It has come to be rather the custom to give a President a second term.

Mr. NORRIS. Yes; it has come to be rather the custom to give him a second term.

Mr. FESS. Then, if the Senator will permit a further interruption, there are a few cases where a President was a candidate for renomination in which he was defeated.

Mr. NORRIS. Yes, sir.

Mr. FESS. In the cases of Polk, Pierce—Buchanan was not a candidate—Tyler, Andrew Johnson, and Arthur, all of whom were Presidents, although they had come to the Presidency from the Vice Presidency, they were all candidates for reelection, and all of them were denied the nomination.

Mr. NORRIS. Yes.

Mr. FESS. I think what the Senator says has considerable force. I admit that, although I would not want to be understood as saying that I thought a President has in any way distorted or prostituted his power by forcing his renomination.

Mr. NORRIS. Is the Senator now referring to President Coolidge? I have not charged that.

Mr. FESS. No; I am referring to the general practice of Presidents.

Mr. NORRIS. Oh, yes.

Mr. FESS. As to the resolution we are now discussing, I do not know that I would decline to vote, as an expression of opinion, that the country should not recognize the third term. I have felt, though, from the beginning, that the objection to a third term would not apply to a case where it is a second elective term. In other words, if a man had been President only a week, and then was reelected, that ought not to be counted as a second term.

Mr. NORRIS. I think we ought to consider this as reasonable men. If the man had been President a week, for instance, I should not like to call that a term. If he had been President longer than that, there might come a place where it would be difficult to draw a line. I concede that.

If we had a condition where a President had been in office just a week before he was elected to a term, and then was seeking reelection, I would not consider it very bad grace or unpatriotic to support him for renomination. I think that to a great extent the opposition would fade away, because he would have served so short a period during the first term.

Mr. FESS. I do not think the Senator and I differ widely, if he takes that position.

Mr. NORRIS. No; I do not think we do. I can conceive also of conditions under which I would be in favor of the election of a President for a third term. I do not know whether such a time will ever come, but it may. The reason, as I said in the beginning, is not all on one side of this proposition, and while I admit that there might come a time, if we had in our Constitution a provision against a third term, when I might regret that it was there, for the time being, on the other hand, I am willing to yield to that extent in order to do away with what I believe to be the greater danger that will come if we establish this kind of a precedent.

It is difficult for me to imagine that, if a President were carrying on a war, as the Senator from Connecticut has suggested, the American people would not be wise enough to elect a successor who would represent their ideas in prosecuting the war. I do not believe there is any great danger in that regard. I do not believe that there will ever come a time, if that happens, when the American people will select a President who is not willing, if they want it done, to carry on the war to its conclusion. Those things would all be fought out in the campaign, and the planks in the platforms would make all those things clear. So, I think the danger is very much overestimated.

Have I forgotten anything the Senator from Connecticut wanted me to answer?

Mr. BINGHAM. I had hoped that before the Senator got through he would tell us why he did not want this matter to go to his committee.

Mr. NORRIS. Oh, yes; I said I would make a statement in regard to that, and I will do so.

That is a question with two sides to it, but to me it is perfectly plain that this resolution should not go to a committee, principally because it represents an idea upon which all of us have definite convictions. It is not anything new. It is not a long resolution, and there is no doubt about the language. No one has expressed a doubt as to anything it contains. It expresses an idea. We are either for or against the principle of a third term for any President of the United States.

Mr. BINGHAM. No, Mr. President; I can not agree with the Senator in that statement.

Mr. NORRIS. What is wrong about that statement?

Mr. BINGHAM. The way in which the resolution is worded might be changed. I am not in favor of three consecutive terms, or four, or five, or six, as the Senator has imagined. On the other hand, the resolution, as it reads, would place the Senate on record as stating that even in case of great emergency a President might not be reelected for a third term. It would place the Senate on record as stating that if a President had had two terms and had gone out of office for four years he could not at some future time be reelected.

Mr. NORRIS. I do not think so. I do not get that idea from the resolution and from the remarks that passed back and forth between the Senator from Wisconsin and the Senator from Ohio, I think it was. I did not get that idea.

Mr. BINGHAM. Why could not the resolution be changed in committee so as to preclude that very idea?

Mr. NORRIS. It might be.

Mr. HEFLIN. Mr. President, exactly this resolution, in this exact form, was the resolution voted on in General Grant's time, and every Member of the House and Senate, I understand, from New England, including Connecticut, voted for it exactly as it now stands.

Mr. BINGHAM. Mr. President, that statement is not correct. I was just looking up the RECORD, and I want to ask unanimous consent that the part of the CONGRESSIONAL RECORD for December 15, 1875, which contains the entire matter—it is very short, because there was no debate on it at all, the previous question being moved—may be inserted in the RECORD. The roll call shows that the vote of the 18 who ventured to vote against it came from all over the country—1 from Illinois, 2 from Michigan, 1 from Vermont, 1 from Alabama, 2 from South Carolina, 1 from North Carolina, 1 from Mississippi, 2 from New York, 1 from Louisiana, 1 each from California, Maine, Pennsylvania, Florida, Missouri, and Kentucky.

Mr. NORRIS. What was the number from Maine?

Mr. BINGHAM. Mr. Blaine was absent. There was one from Maine who voted against it; and there were several from Massachusetts, Maine, and Connecticut who were absent, so that there was no sectionalism about it, and the statement that all the New England delegation voted in favor of it is not correct, for of the 18, 2 voted against it.

Mr. LA FOLLETTE. Mr. President, will the Senator from Nebraska yield?

Mr. NORRIS. I yield to the Senator.

Mr. BINGHAM. Has the Senator any objection to me having this extract from the CONGRESSIONAL RECORD of 1875 printed in the RECORD?

Mr. LA FOLLETTE. I have none.

Mr. NORRIS. I have no objection to that. I will be glad to have it printed.

Mr. BINGHAM. I ask that it be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD of December 15, 1875, 44th Cong., 1st sess., vol. 4, pt. 1, p. 228]

PRESIDENTIAL TERM

Mr. SPRINGER. I offer the following resolution, upon which I move the previous question:

Resolved, That, in the opinion of this House, the precedent established by Washington and other Presidents of the United States, in retiring from the presidential office after their second term, has become, by universal concurrence, a part of our republican system of government, and that any departure from this time-honored custom would be unwise, unpatriotic, and fraught with peril to our free institutions.

The question was put upon seconding the previous question; and on a division there were—ayes 144, noes 2.

So the previous question was seconded. The main question was then ordered to be put, being upon the adoption of the resolution.

Mr. CLYMER. Upon the question of the adoption of the resolution I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MacDougall moved that the House do now adjourn.

The question was taken, and the House refused to adjourn.

The question was taken on the resolution offered by Mr. Springer; and there were—yeas 233, nays 18, not voting 38; as follows:

Yea: Messrs. Adams, Ainsworth, Anderson, Ashe, Atkins, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Banning, Beebe, Bell, Blackburn, Blair, Bland, Blount, Boone, Bradford, Bright, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cason, Cape, Caulfield, Chapin, Chittenden, John B. Clarke, John B. Clark, Jr., Clymer, Cochrane, Collins, Conger, Cook, Cowan, Cox, Crapo, Crounse, Culberson, Cutler, Danford, Darrall, Davis, Davey, De Bolt, Dibrell, Douglas, Dunnell, Durand, Eames, Eden, Egbert, Ellis, Ely, Evans, Faulkner, Felton, Forney, Fort, Foster, Franklin, Freeman, Frost, Frye, Fuller, Garfield, Gause, Gibson, Glover, Goode, Goodlin, Gunter, Hale, Andrew H. Hamilton, Robert Hamilton, Hancock, Hardenbergh, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Henderson, Henkle, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hoar, Holman, Hooker, Hopkins, Hoskins, House, Hunter, Hunton, Jenks, Frank Jones, Thomas L. Jones, Joyce, Kasson, Kelley, Ketchum, Knott, Franklin Landers, George M. Landers, Lane, Lapham, Lawrence, Leavenworth, Levy, Lewis, Lord, Luttrell, Lynde, Levi A. Mackey, Maish, McCrary, McDill, McMahon, Metcalfe, Miller, Milliken, Mills, Money, Monroe, Morgan, Morrison, Mutchler, Neal, New, Norton, O'Brien, Odell, Oliver, O'Neill, Packer, Parsons, Payne, John F. Phillips, William A. Phillips, Pierce, Piper, Poppleton, Potter, Powell, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, John Robbins, William M. Robbins, Roberts, Robinson, Miles Ross, Sobieski Ross, Sampson, Savage, Sayler, Scales, Schumaker, Seelye, Sheakley, Singleton, Sinnickson, A. Herr Smith, William E. Smith, Southard, Sparks, Springer, Starkweather, Stenger, Stevenson, Stone, Swann, Tarbox, Teese, Terry, Thompson, Thomas, Throckmorton, Martin I. Townsend, Washington Townsend, Tucker, Tufts, Turney, Van Vorhes, John L. Vance, Robert B. Vance, Waddell, Waldron, Charles C. B. Walker, Gilbert C. Walker, John W. Wallace, Walling, Walsh, Ward, Warren, Erastus Wells, Wheeler, Whitehouse, Whitthorne, Wigginton, Wike, Willard, Alpheus S. Williams, Charles G. Williams, James Williams, James D. Williams, Jeremiah N. Williams, William B. Williams, Willis, Benjamin Wilson, James Wilson, Alan Wood, Jr., Fernando Wood, Woodworth, Yeates, and Young—233.

Nays: Messrs. Bradley, Denison, Haralson, Hoge, Hubbell, Hyman, Lynch, MacDougall, Nash, Page, Plaisted, Pratt, Smalls, Alexander S. Wallace, Walls, G. Wiley Wells, White, and Whiting—18.

Not voting: Messrs. Bagby, Banks, Barnum, Bass, Blaine, Bliss, Cannon, Caswell, Dobbins, Durham, Farwell, Hathorn, Hays, Hender, Hurd, Hurlbut, Kehr, Kimball, King, Lamar, Edmund W. M. Mackey, Magoon, McFarland, Mende, Morey, Phelps, Platt, Purman, Rainey, Rusk, Schleicher, Slemmons, Strait, Stowell, Thornburgh, Andrew Williams, Wilshire, and Woodburn—38.

Before the reading of the roll call,

Mr. Beebe called for the reading of Rule XXXI.

The rule was read, as follows:

Every Member who shall be in the House when the question is put shall give his vote, unless the House shall excuse him. All motions to excuse a Member from voting shall be made before the House divides or before the call of the yeas and nays is commenced; and the question shall then be taken without debate.

Mr. BEEBE. It was my purpose to insist upon the enforcement of the rule just read. I will not do so, however, for the reason that I think we have had a sufficient declaration of the sentiments of this House.

The SPEAKER pro tempore (Mr. Cox). Debate is not in order. There is no way of enforcing that rule, as was sufficiently tested at the last session of Congress.

Mr. HOAR. I ask that the reading of the names on the roll be dispensed with.

The SPEAKER pro tempore. That requires unanimous consent.

Objection was made, and the roll call was read, as above recorded.

Accordingly the resolution was adopted.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Nebraska yield to me to ask the Senator from Connecticut a question?

Mr. NORRIS. I yield.

Mr. LA FOLLETTE. Mr. President, will not the Senator permit me to give some figures with regard to New England?

Mr. ROBINSON of Arkansas. Certainly.

Mr. LA FOLLETTE. There were 28 Members in the House at that time from New England, and that roll call shows 4 of those 28 absent, 1 from Maine, 1 from Vermont, 1 from Massachusetts, and 1 from Connecticut.

Mr. BINGHAM. That is correct.

Mr. LA FOLLETTE. There were 22 of the 24 who were present who voted for the resolution, and 2 voted against it.

Mr. NORRIS. Now I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. Was the resolution adopted applicable to General Grant's time identical in form with the resolution now proposed?

Mr. BINGHAM. The first part of it was identical. Will the Senator give me permission to read it?

Mr. NORRIS. Yes.

Mr. BINGHAM. The resolution was offered by Mr. Springer. The RECORD states:

Mr. SPRINGER. I offer the following resolution, upon which I move the previous question.

There was no debate.

Resolved, That, in the opinion of the House, the precedent established by Washington and other Presidents of the United States, in retiring from the presidential office after their second term, has become, by universal concurrence, a part of our republican system of government, and that any departure from this time-honored custom would be unwise, unpatriotic, and fraught with peril to our free institutions.

There was no second paragraph.

Mr. NORRIS. As far as the Senator has read it, it is identical, I understand, with the pending resolution.

Mr. LA FOLLETTE. Yes, Mr. President, that is the exact language of the resolution.

Mr. NORRIS. A copy of it.

Mr. LA FOLLETTE. Yes.

Mr. NORRIS. Answering further the Senator's proposition, it seems clear to me that here is a proposition we could well vote on, even without debate. Of course, the Senate may think otherwise and send the resolution to the committee, and if it does the committee will give it careful consideration and do the best it can with it. There is only one idea in it, only one, whether we want to express the sentiment of the Senate as being opposed to a third term for a President of the United States, or a President to succeed himself with a third term.

Mr. SMITH. Mr. President, may I ask the Senator a question?

Mr. NORRIS. Yes.

Mr. SMITH. The Senator is touching on a point now about which I have been thinking since this debate began. This resolution seeks to get the sense of the Senate. If we refer it to the Judiciary Committee, how are the committee to get the sense of the Senate in reference to our attitude on the question whether a man having been sworn in twice as President should be sworn in a third time?

Mr. NORRIS. There is only one way that I know of by which the Judiciary Committee could get the sense of the Senate, and that would be to report the resolution back to the Senate and let the Senate vote on it.

Mr. SMITH. Or call in each Senator and get an expression of his opinion.

Mr. NORRIS. Yes.

Mr. SMITH. I do not see that there is any ground whatever for sending it to a committee, when it appeals to the sentiment of the Senate.

Mr. ROBINSON of Arkansas. Mr. President, of course one object of referring it to the committee might be to prevent the Senate from expressing its opinion on the subject.

Mr. SMITH. I thought perhaps that would be the expression of the Senator from Nebraska.

Mr. BINGHAM. That never could happen with a resolution sent to the committee of the Senator from Nebraska, however. That was why I moved that this resolution be referred to his committee, so that there might not be any suggestion that I was trying to defeat the resolution. My idea was merely to see that it was put in the proper language, which I am sure that committee would do.

Mr. KING. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. KING. Will the Senator permit me to suggest that the Judiciary Committee of the Senate and the Judiciary Committee of the House are bodies to advise upon legal questions which may be submitted to them, legal questions touching laws and statutes which are upon the statute books, or proposed laws, and also the construction of constitutional questions?

The Judiciary Committee is a committee of lawyers. The question involved in this resolution is one of policy. The Constitution does not limit the term or indicate in any way that a President of the United States should have but one or two terms or any number of terms. Therefore there is no question to submit to the Judiciary Committee.

As a member of the Committee on the Judiciary, if this resolution should come to that committee I would be absolutely helpless to express the opinion of the Senate. As has been said, we would have to report the resolution back to the Senate

or bring the Members of the Senate one by one or in groups before the committee to have them express to the committee orally their views upon a question that is not a legal question.

For these reasons, if the Senator will pardon me for interrupting him, I am opposed to having this resolution referred to the Committee on the Judiciary. Let us take the sense of the Senate upon it. There is no legal question involved.

Mr. DILL. Mr. President, the passage of this resolution, however, might advise the Judiciary Committee as to the attitude of the Senate on a constitutional amendment looking to a prohibition of a President's continuation in office.

Mr. NORRIS. That might be. As far as I am concerned, I am willing to support that kind of an amendment to the Constitution. But my experience with amendments to the Constitution in the last four or five years is such that I would not want to have more than one or two of them on my hands at a time.

Unless the Senator from Connecticut conceives of some other question he wants to ask me about referring the resolution to the committee, I have but a word more to say. I believe there is nothing to be gained by referring this resolution to a committee. I consider that it is a proper parliamentary procedure, if the Senate desires to take it, and I have no criticism to make in regard to it, but here is a simple resolution covering one idea. We all have definite opinions on that idea, and it will not be necessary for us to have the advice of a committee in order to enable us to vote.

It seems to me, therefore, that we ought to vote either for or against this resolution, vote it either up or down while it is here, and not waste the time either of the Senate or of the committee by referring it to the Committee on the Judiciary.

Mr. LA FOLLETTE. Mr. President, I will delay the Senate but a moment. I would like, first of all, to reply to the suggestion made by the Senator from Connecticut that I introduced this resolution following the result of some poll which had been taken. Such is not the case. At the time I introduced this resolution I made a statement, which was published in the press, and I desire to have that statement printed in the RECORD in connection with my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

ROBERT M. LA FOLLETTE, Jr., authorizes publication of the following statement:

The action of the New York State Republican leaders on Saturday, January 28, in agreeing upon an uninstructed Republican delegation that will be first for President Coolidge, is conclusive proof that the movement to "draft President Coolidge" and smash the third-term tradition is gaining headway.

Charles D. Hilles, vice chairman of the National Republican Committee, and former chairman, is responsible for the action taken at Albany on Saturday. He has persistently advocated that the Republican Party should not take seriously the statement that "President Coolidge does not choose to run." It is reliably reported that Mr. Hilles and Secretary of the Treasury Mellon are working in close cooperation and that a drive is on to obtain uninstructed delegations in many States which will support the plan "to draft the President."

In order that the representatives of the people in the Senate may have an opportunity to express their conviction with regard to the importance of preserving the tradition that no President shall succeed himself for a third term, I have introduced a resolution and shall press for its early consideration and adoption by the Senate.

Mr. LA FOLLETTE. Suffice it to say the particular occurrence which prompted me to introduce this resolution was the action taken in New York by the Republicans, under the leadership of Mr. Hilles, in insisting that they were going to revive the movement to draft President Coolidge.

Furthermore, Mr. President, some of the men who were in the House of Representatives at the time the resolution was voted on during General Grant's administration, and who the Senator from Connecticut thinks took snap judgment and were not aware of what they were doing, were Samuel S. Cox, of Ohio; William P. Frye, of Maine; James A. Garfield, of Ohio; Eugene Hale, of Maine; George Frisbie Hoar, of Massachusetts; Samuel J. Randall, of Pennsylvania; John H. Reagan, of Texas; Adlai E. Stevenson, of Illinois; and Henry William Blair, of New Hampshire.

Those are just a few of the distinguished men of the time who were in the House, and who voted for this resolution.

Mr. President, the Senator from Connecticut considers this to be merely a political gesture. In so far as I am concerned, I have introduced this resolution because I believe there is grave danger that this third-term tradition may be broken,

and I feel that it is the duty of the Senate to go on record in connection with the situation that exists.

I sincerely trust that the motion of the Senator from Connecticut to refer this resolution to a committee will not be agreed to.

Mr. BINGHAM. Mr. President, just a word in connection with the distinguished names which the Senator from Wisconsin just read. That does not alter the fact that the resolution was jammed through, that when it was introduced the previous question was moved at the same time, and that there was no debate on it whatever.

Mr. HEFLIN. Mr. President, the Senator from Connecticut suggested that some of us who favor the resolution are doing so because we do not enthuse very much over Mr. Coolidge. I have no personal grudge of any kind against President Coolidge. I like him about as well as I could like any Republican President, I suppose. [Laughter.] We have always gotten along very well personally. Even when he presided over the Senate and made rulings that I did not think were sound and proper, it did not affect our personal relations.

Mr. President, it makes no difference whether we like a President or not, whether we would like to see him reelected or not, our duty to our country is one thing and our partisan preference another. I am actuated in this matter only by what I conceive to be the best interests of my country. I would support the resolution just as cheerfully if we had a Democrat in the White House occupying exactly the same position that Mr. Coolidge occupies. It would not make any difference whatever with me.

I regret to see the able Senator from Connecticut—and he is an able and distinguished Senator—showing his partisan feeling in the matter. I have always feared that the New England Senators had something up their sleeves with regard to Mr. Coolidge not choosing to run. The Senator from Connecticut is about to let the cat out of the bag. He is insisting that we leave this thing alone; let them continue to tie up Republican delegations; let them continue to confuse the political situation and bring in candidate after candidate, until a condition arises where they would have to ask Mr. Coolidge if he would not change his mind and choose to run. They may intend to say, "The President did not seek a third term. He announced that he would not seek the nomination. But the party thrust it on him. He did not wish it at all. He is only responding from a sense of duty when the call has come so overwhelmingly from his party." It seems to me that the Senator has that thought away back in his mind, but he has not told the Senate about it.

But we are going on with war in Nicaragua without authority from the Congress, killing American boys day after day, and God knows how many we have had killed down there. The Senate does not know and the House does not know. Other things have been going on. Manipulation of the money supply of the country in the interest of a favored few, the centralization of power, the concentration of wealth into the hands of a few people. I do not know but that the same people who are so well pleased with what is going on now will demand that Mr. Coolidge be nominated.

Be that as it may, the Senate owes it to itself and to the country to go on record opposing the breaking down of this time-honored custom of our country. The Bible tells us and the Senator from Connecticut "Remove not the ancient landmarks of the fathers." Yet here he is quibbling about a resolution which seeks to give our sanction to a valuable and time-honored custom of our country. But he wants to refer the resolution to a committee. He wants to delay it. He wants to postpone it. What good can be done by postponing it? Let us have action on it. We know whether we, as Senators of sovereign States, want to go on record as favoring a custom established by Washington and maintained by the country from that good day to this.

Why should we defer action on this important matter? Have the political exigencies of the Republican Party come to be of greater concern to the Senator from Connecticut and other Senators than the welfare of our common country? I trust the time will never come with me when I shall put the welfare of the Democratic Party above the welfare of my country. I do not. I think there ought not to be any division here about it. I think the most wholesome thing that could go out from the Capitol would be for all Senators, Democrats and Republicans, to vote together and pass this resolution.

The Senator from Connecticut reminds us that Mr. Coolidge went in by the biggest majority that any President ever got. Mr. President, he went in by a plurality over the Democratic nominee of about 7,000,000 votes, but if we take the Democratic vote and the Progressive vote and the Prohibition vote, his

majority was about 2,000,000 and a little over. I remind the Senator that prior to that time Mr. Bryan had made a very pertinent statement about Mr. Taft, to the effect that he "went in by a million majority and went out by unanimous consent." [Laughter.] Mr. Coolidge has announced that he did not choose to run. It shows that he thought the two-term custom should not be violated when he announced to his party that he did not choose to run. Why not let it stand at that and why do not the Senator from Connecticut and others who feel as he does come in and say, "We are going to back Mr. Coolidge up? Why not say he never has intended to have a third term and we are going to vote for the resolution and show that he was in good faith in the position he has taken? We will all vote for it, Democrats and Republicans together." Why not do that?

Mr. President, I beg the Senator from Connecticut to come to the mourners' bench and repent and be saved before it is everlasting too late. [Laughter.]

Mr. BINGHAM. Mr. President, I merely want to congratulate the Senator from Alabama on the evidence presented today of the strong alliance between the Democratic Party and the divergents—I mean the insurgents, and the digressives—I mean the progressives, in the speeches for the pending resolution. His reference to the fact that the President was elected by such a large majority over the combined efforts of the Democrats and the La Follettes to beat him is merely another evidence of the splendid harmony of this alliance which has forced most of the Republicans, including myself, to be in the minority on every roll call except one in this session.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 121. An act authorizing the Cairo Association of Commerce, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cairo, Ill.;

H. R. 359. An act authorizing the presentation of the iron gates in West Executive Avenue, between the grounds of the State, War, and Navy Building and the White House, to the Ohio State Archeological and Historical Society for the memorial gateway into the Spiegel Grove State Park;

H. R. 449. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a toll bridge across the Atchafalaya River at or near Morgan City, La.;

H. R. 473. An act authorizing the Ashland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ashland, Ky.;

H. R. 482. An act to provide relief for the victims of the airplane accident at Langin Field, Moundsville, W. Va.;

H. R. 5679. An act authorizing the Nebraska-Iowa Bridge Corporation, a Delaware corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River between Washington County, Nebr., and Harrison County, Iowa;

H. R. 5721. An act authorizing E. M. Elliott and Associate (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at Augusta, Ky.;

H. R. 5722. An act authorizing the Rogers Bros. Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ashland, Ky.;

H. R. 5727. An act to extend the times for commencing and completing the construction of a bridge across the Ouachita River at or near Harrisonburg, La.;

H. R. 5783. An act to grant extensions of time of oil and gas permits;

H. R. 5803. An act authorizing the Interstate Bridge Co., of Lansing, Iowa, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Lansing, Iowa;

H. R. 5818. An act authorizing J. H. Peacock, F. G. Bell, S. V. Taylor, E. C. Amann, and C. E. Ferris, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Prairie du Chien, Wis.;

H. R. 6104. An act to amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909;

H. R. 6476. An act authorizing the Wabasha Bridge Committee, Wabasha, Minn., to construct, maintain, and operate a bridge across the Mississippi River at or near Wabasha, Minn.;

H. R. 6639. An act authorizing the Centennial Bridge Co. of Independence, Mo. (Inc.), its successors and assigns, to

construct, maintain, and operate a bridge across the Missouri River at or near Liberty Landing, Clay County, Mo.;

H. R. 7036. An act authorizing the Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near Eggners Ferry, Ky.;

H. R. 7183. An act authorizing C. J. Abbott, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Golconda, Ill.;

H. R. 7184. An act authorizing J. L. Rowan, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Shawneetown, Ill.;

H. R. 7371. An act to legalize a bridge across the Snake River near Heyburn, Idaho;

H. R. 7916. An act authorizing the Madison Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Madison, Jefferson County, Ind.;

H. R. 7921. An act authorizing A. Robbins, of Hickman, Ky., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Hickman, Fulton County, Ky.;

H. R. 7925. An act granting the consent of Congress for the maintenance and operation of a bridge across the Monongahela River between the borough of Glassport and the city of Clairton, in the Commonwealth of Pennsylvania;

H. R. 8530. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River near Cedar Bluff, in Cherokee County, Ala.;

H. R. 8531. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River on the Columbiana-Talladega road between Talladega and Shelby Counties, Ala.;

H. R. 8726. An act authorizing Oscar Baertch, Christ Buhmann, and Fred Reiter, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Alma, Wis.;

H. R. 8740. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge across the Little Calumet River in Cook County, State of Illinois;

H. R. 8741. An act authorizing the Dravo Contracting Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill.;

H. R. 8743. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, Minn.;

H. R. 8818. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Red River at or near Moncla, La.;

H. R. 8837. An act authorizing the American Bridge & Ferry Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Cassville, Wis.;

H. R. 8899. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River at or near Epes, Ala.;

H. R. 8926. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland, Ark.;

H. R. 9139. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lafayette-Celina road in Clay County, Tenn.;

H. R. 9147. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Jasper-Chattanooga road in Marion County, Tenn.;

H. R. 9186. An act authorizing the Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Sistersville, Tyler County, W. Va.;

H. R. 9198. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.;

H. R. 9849. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Quincy, Ill.; and

H. R. 10636. An act to make an additional appropriation for the water boundary, United States and Mexico.

HOUSE BILLS REFERRED

The following House bills were severally read twice by their titles and referred as indicated below:

H. R. 10636. An act to make an additional appropriation for the water boundary, United States and Mexico; to the Committee on Appropriations.

H. R. 5603. An act to authorize members of the Civil Service Commission and its duly authorized representatives to administer oaths of office; to the Committee on Civil Service.

H. R. 482. An act to provide relief for the victims of the airplane accident at Langin Field, Moundsville, W. Va.; to the Committee on Claims.

H. R. 6104. An act to amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909; to the Committee on Patents.

H. R. 7030. An act to amend section 5 of the act of March 2, 1895; to the Committee on Post Offices and Post Roads.

H. R. 391. An act to regulate the use of the Capitol Building and Grounds; and

H. R. 359. An act authorizing the presentation of the iron gates in West Executive Avenue, between the grounds of the State, War, and Navy Building and the White House, to the Ohio State Archeological and Historical Society for the memorial gateways into the Spiegel Grove State Park; to the Committee on Public Buildings and Grounds;

H. R. 7013. An act authorizing and directing the Secretary of War to lend to the Governor of Arkansas 5,000 canvas cots, 10,000 blankets, 10,000 bed sheets, 5,000 pillows, 5,000 pillow-cases, and 5,000 mattresses or bed sacks to be used at the encampment of the United Confederate Veterans to be held at Little Rock, Ark., in May, 1928;

H. R. 8309. An act to amend an act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," approved February 24, 1923; and

H. R. 9567. An act to authorize appropriations for construction at Fort Leavenworth, Kans., and for other purposes; to the Committee on Military Affairs.

H. R. 445. An act authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana and private owners of land within the State of Montana for grazing and range development, and for other purposes;

H. R. 5686. An act granting a right of way to the county of Imperial, State of California, over certain public lands for highway purposes; and

H. R. 5783. An act to grant extensions of time of oil and gas permits; to the Committee on Public Lands and Surveys.

H. R. 5501. An act authorizing the Hermann Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Hermann, Gasconade County, Mo.;

H. R. 6073. An act granting a permit to construct a bridge over the Ohio River at Ravenswood, W. Va.;

H. R. 6487. An act authorizing the Baton Rouge-Mississippi River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Baton Rouge, La.;

H. R. 7032. An act authorizing the Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or near Canton, Ky.;

H. R. 7034. An act authorizing the Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or near Smithland, Ky.;

H. R. 7035. An act authorizing the Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near the mouth of Clarks River;

H. R. 7909. An act to authorize the maintenance and renewal of a timber frame trestle in place of a fixed span at the Wisconsin end of the steel bridge of the Duluth & Superior Bridge Co. over the St. Louis River between the States of Wisconsin and Minnesota;

H. R. 7915. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Scottsboro, on the Scottsboro-Fort Payne road in Jackson County, Ala.;

H. R. 8106. An act authorizing F. C. Barnhill, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Arrow Rock, Saline County, Mo.;

H. R. 8107. An act authorizing Frank M. Burruss, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Miami, Saline County, Mo.;

H. R. 8227. An act authorizing the Sunbury Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near Bainbridge Street, in the city of Sunbury, Pa.;

H. R. 9063. An act to extend the times for commencing and completing the construction of a bridge across the Chattahoochee River at or near Alaga, Ala.;

H. R. 9064. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River at or near Pell City on the Pell City-Anniston road between Calhoun and St. Clair Counties, Ala.;

H. R. 9293. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Clinch River on the Sneedville-Rogersville road in Hancock County, Tenn.;

H. R. 9660. An act authorizing the city of Louisville, Ky., to construct, maintain, and operate a toll bridge across the Ohio River at or near said city;

H. R. 66. An act authorizing B. L. Hendrix, G. C. Trammell, and C. S. Miller, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Mound City, Ill.;

H. R. 5502. An act authorizing the Washington Missouri River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Washington, Franklin County, Mo.;

H. R. 5569. An act relative to the dam across the Kansas (Kaw) River at Lawrence, in Douglas County, Kans.;

H. R. 6973. An act authorizing E. H. Wegener, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill.;

H. R. 7199. An act granting the consent of Congress to the Oregon-Washington Bridge Co. to maintain a bridge already constructed across Columbia River near the city of Hood River, Oreg.;

H. R. 7375. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Guntersville on the Guntersville-Huntsville road in Marshall County, Ala.;

H. R. 7902. An act granting the consent of Congress to the State Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River at or near Wetumpka, Elmore County, Ala.;

H. R. 7914. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Whitesburg Ferry, on the Huntsville-Laceys Spring road, between Madison and Morgan Counties, Ala.;

H. R. 8896. An act granting the consent of Congress to the State of Alabama to construct, maintain, and operate a free highway bridge across the Conecuh River on the Brewton-Andalusia road in Escambia County, Ala.;

H. R. 9019. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Ouachita River at or near Calion, Ark.;

H. R. 9137. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lebanon-Hartsville road in Wilson and Trousdale Counties, Tenn.;

H. R. 9196. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Decatur-Kingston road in Roane County, Tenn.;

H. R. 9107. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Knoxville-Maryville road in Knox County, Tenn.;

H. R. 9199. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Dover-Clarksville road in Stewart County, Tenn.;

H. R. 9484. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tom-

bigbee River at or near Aliceville on the Gainesville-Aliceville road in Pickens County, Ala.;

H. R. 121. An act authorizing the Cairo Association of Commerce, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cairo, Ill.;

H. R. 449. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a toll bridge across the Atchafalaya River at or near Morgan City, La.;

H. R. 473. An act authorizing the Ashland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ashland, Ky.;

H. R. 5679. An act authorizing the Nebraska-Iowa Bridge Corporation, a Delaware corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River between Washington County, Nebr., and Harrison County, Iowa;

H. R. 5721. An act authorizing E. M. Elliott and Associate (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at Augusta, Ky.;

H. R. 5722. An act authorizing the Rogers Bros. Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ashland, Ky.;

H. R. 5727. An act to extend the times for commencing and completing the construction of a bridge across the Ouachita River at or near Harrisonburg, La.;

H. R. 5803. An act authorizing the Interstate Bridge Co., of Lansing, Iowa, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Lansing, Iowa;

H. R. 5818. An act authorizing J. H. Peacock, F. G. Bell, S. V. Taylor, E. C. Amann, and C. E. Ferris, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Prairie du Chien, Wis.;

H. R. 6476. An act authorizing the Wabasha Bridge Committee, Wabasha, Minn., to construct, maintain, and operate a bridge across the Mississippi River at or near Wabasha, Minn.;

H. R. 6639. An act authorizing the Centennial Bridge Co., of Independence, Mo. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Liberty Landing, Clay County, Mo.;

H. R. 7036. An act authorizing the Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near Eggners Ferry, Ky.;

H. R. 7183. An act authorizing C. J. Abbott, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Golconda, Ill.;

H. R. 7184. An act authorizing J. L. Rowan, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Shawneetown, Ill.;

H. R. 7371. An act to legalize a bridge across the Snake River near Heyburn, Idaho;

H. R. 7916. An act authorizing the Madison Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Madison, Jefferson County, Ind.;

H. R. 7921. An act authorizing A. Robbins, of Hickman, Ky., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Hickman, Fulton County, Ky.;

H. R. 7925. An act granting the consent of Congress for the maintenance and operation of a bridge across the Monongahela River between the borough of Glassport and the city of Clairton, in the Commonwealth of Pennsylvania;

H. R. 8539. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River near Cedar Bluff in Cherokee County, Ala.;

H. R. 8531. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River on the Columbiana-Talladega road between Talladega and Shelby Counties, Ala.;

H. R. 8726. An act authorizing Oscar Baertch, Christ Buhmann, and Fred Reiter, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Alma, Wis.;

H. R. 8740. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge across the Little Calumet River in Cook County, State of Illinois;

H. R. 8741. An act authorizing the Dravo Contracting Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill.;

H. R. 8743. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, Minn.;

H. R. 8818. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Red River at or near Moncla, La.;

H. R. 8837. An act authorizing the American Bridge & Ferry Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Cassville, Wis.;

H. R. 8899. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River at or near Epes, Ala.;

H. R. 8926. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland, Ark.;

H. R. 9139. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lafayette-Celina road in Clay County, Tenn.;

H. R. 9147. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Jasper-Chattanooga road in Marion County, Tenn.;

H. R. 9186. An act authorizing the Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Sistersville, Tyler County, W. Va.;

H. R. 9198. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.;

H. R. 9849. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Quincy, Ill.; to the Committee on Commerce.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 4 o'clock and 15 minutes p. m.) adjourned until to-morrow, Wednesday, February 8, 1928, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 7, 1928

REGISTER OF WILLS OF THE DISTRICT OF COLUMBIA

Theodore L. Cogswell.

UNITED STATES MARSHAL

Charles W. Cushing to be United States marshal, southern district of Illinois.

POSTMASTERS CONNECTICUT

Edward S. Lewis, Portland.

ILLINOIS

William M. Rentschler, Allendale.
Hugh F. Britt, Olmsted.
David R. Bennett, Panama.
Elva B. Towler, Shobonier.

KANSAS

David R. Price, Williamsburg.
Leslie I. Burdick, Winona.

MASSACHUSETTS

Karl F. Koch, Montague City.

MICHIGAN

Arthur R. Ebert, Arcadia.
Ruth A. Atyeo, Belleville.
William Bowers, Central Lake.
William A. Stroebel, East Jordan.
Benjamin Rankens, Hamilton.

MISSOURI

R. A. Gehrig, Salisbury.
Frances R. Jones, Sheldon.

NEVADA

James L. Denton, Caliente.
Henry J. Marriott, Ely.
Vevia B. Eckley, Mina.

NEW HAMPSHIRE

Gertrude P. Donovan, Ashuelot.

NORTH DAKOTA

Marie Toenbergs, Alexander.
 Ethel M. Anderson, Bowman.
 Orna F. Leedy, Goodrich.
 Don E. DeLa, Hettinger.

PENNSYLVANIA

Beulah Oswalt, Clarence.
 Mary S. Moore, Everson.
 George Glenn, State College.

VERMONT

William F. Braley, Hartford.
 Lewis H. Higgins, Newfane.

HOUSE OF REPRESENTATIVES

TUESDAY, February 7, 1928

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We thank Thee, dear Lord, that the heavenly vision gives us inward peace. It helps to obliterate sorrow, disappointment, and misfortune. By faith in Thee they lose their power to distress us. We praise Thee that we are not at the hazard of a blind, remorseless force. Holy Spirit, lead us on to the larger and finer attainments; build up the spiritual man and develop the kingdom that is within. Oh, these, our ministries of trust! May they acquire such glory at our hands that criticism can not dull nor infidelity deride. Take our souls, clear them of doubt and of storm cloud; open the doors of our hearts and set our spirits free. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 278. An act to amend section 5 of the act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926;

H. R. 5583. An act granting the consent of Congress to the Kansas City, Mexico & Orient Railway Co. of Texas and the Kansas City, Mexico & Orient Railway Co. to construct, maintain, and operate a railroad bridge across the Rio Grande River at or near Presidio, Tex.; and

H. R. 6099. An act granting the consent of Congress to the States of New York and Vermont to construct, maintain, and operate a bridge across Lake Champlain between Crown Point, N. Y., and Chimney Point, Vt.

The message also announced that the Senate had passed a joint resolution and bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 21. Joint resolution to correct section 6 of the act of August 30, 1890, as amended by section 2 of the act of June 28, 1926;

S. 43. An act for the relief of Frederick N. Carr;

S. 46. An act for the relief of Daniel F. Roberts;

S. 138. An act for the relief of Thomas Johnsen;

S. 380. An act for the relief of Charles H. Niehaus;

S. 760. An act granting the consent of Congress to the Ashland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River;

S. 771. An act providing for the loan of the U. S. S. *Dispatch* to the State of Florida;

S. 789. An act to amend the merchant marine act, 1920, approved June 5, 1920, by insuring the exemption from income taxes during the 10-year period there provided of profits on the sale of certain vessels when the proceeds of such sales are invested in new American vessels approved by the Shipping Board;

S. 797. An act granting the consent of Congress to the J. K. Mahone Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Wellsville, W. Va.;

S. 798. An act granting the consent of Congress to the R. V. Reger Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Cumberland, Hancock County, W. Va.;

S. 820. An act granting the consent of Congress to R. A. Breuer, H. L. Stolte, John M. Schermann, O. F. Nienhueser, Charles A. Egley, and George C. Eberlin, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Hermann, Gasconade County, Mo.;

S. 821. An act granting the consent of Congress to O. F. Schulz, E. H. Otto, O. W. Arcularius, J. L. Calvin, and J. H. Dickbrader, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Washington, Franklin County, Mo.;

S. 1122. An act for the relief of S. Davidson & Sons;

S. 1162. An act granting the consent of Congress to the Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, for the construction, maintenance, and operation of a toll bridge across the Ohio River at Sistersville, Tyler County, W. Va.;

S. 1164. An act to provide relief for the victims of the airplane accident at Langin Field, Moundsville, W. Va.;

S. 1168. An act to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925;

S. 1181. An act authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended;

S. 1217. An act for the relief of Albert Wood;

S. 1218. An act for the relief of Lincoln County, Oreg.;

S. 1219. An act for the relief of William Mortesen;

S. 1281. An act to amend section 7 (a) of the act of March 3, 1925 (43 Stat. 1119), as amended by section 2 of the act of July 3, 1926 (44 Stat. 812), so as to provide operators' permits free of cost to enlisted men of the Army, Navy, Marine Corps, and Coast Guard operating Government-owned vehicles in the District of Columbia;

S. 1287. An act for the relief of the Near East Relief (Inc.);

S. 1325. An act for the relief of John A. Fox;

S. 1347. An act to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended;

S. 1361. An act for the relief of Isabelle R. Damron, postmaster at Clintwood, Va.;

S. 1413. An act to prohibit predictions with respect to cotton prices in any report, bulletin, or other publication issued by the Department of Agriculture or the Department of Commerce, and for other purposes;

S. 1455. An act to grant extensions of time under coal permits;

S. 1498. An act to extend the time for the construction of a bridge across the Chesapeake Bay, and to fix the location of said bridge;

S. 1501. An act granting the consent of Congress to the State of Montana, or Valley County, in the State of Montana, to construct, maintain, and operate a bridge across the Missouri River near Glasgow, Mont.;

S. 1531. An act authorizing the Secretary of Agriculture to sell the Weather Bureau station known as Mount Weather, in the counties of Loudoun and Clarke, in the State of Virginia;

S. 1541. An act for the relief of George A. Robertson;

S. 1594. An act for the relief of Capt. Joseph W. Loef;

S. 1623. An act for the relief of William Hensley;

S. 1665. An act to authorize the Board of Park Commissioners of the City and County of San Francisco to construct a recreation pier at the foot of Van Ness Avenue, San Francisco, Calif.;

S. 1758. An act for the relief of Fred A. Knauf;

S. 1759. An act to appropriate treaty funds due to the Wisconsin Potawatomi Indians;

S. 1771. An act for the relief of Peter S. Kelly;

S. 1879. An act granting the consent of Congress to the Interstate Bridge Co., of Lansing, Iowa, to construct a bridge across the Mississippi River at Lansing, Iowa;

S. 1946. An act relative to the pay of certain retired warrant officers and enlisted men and warrant officers and enlisted men of the reserve forces of the Army, Navy, Marine Corps, and the Coast Guard, fixed under the terms of the Panama Canal act, as amended;

S. 2020. An act for the relief of Leonidas L. Cochran and Rosalie Cochran Brink;

S. 2021. An act extending and continuing to January 12, 1930, the provisions of "An act authorizing the Secretary of the Interior to determine and confirm by patent in the nature of a