PSF State Dept. R. Walton Moore 1937-39

PSF: Moore
State

ASSISTANT SECRETARY OF STATE
JAN 5 - 1937
MR. MOORE

TELEGRAM RECEIVED

FROM

5wu ca 131 Collect NL Govt

San Francisco Cal Jan 4 1937

Acting Secretary of State Walton Moore

Maritime strike in my opinion completely deadlocked with considerable agitation developing to urge Presidential intervention stop. Mayor Rossi tomorrow evening will give national radio broadcast stating issues involved and urging all interested parties to request president to intervene stop. The request that he intervene will be accompanied by an assurance that any steps he may take will be wholeheartedly supported by the community stop. Believe it important that President make some reference to maritime strike in his message to Congress anticipating the pressure that will be exerted upon him for action stop. His reference in his message to congress will no doubt have beneficial effect on community as well as on parties to controversy stop. George Creel is with me and concurs in this view stop. Writing you further details

Henry F Grady

712am Jan 5

For the President:
This has just come in, and
supported by the President, a copy
is by sent Miss Perkins.
Walton Moore
Jan 5 - 1937.

1

PSF: Moore
State

PSF.

DEPARTMENT OF STATE
WASHINGTON

January 4, 1937.

Dear Mr. President:

Herewith is a letter just received from Caffery. While at the moment it seems there are not likely to be any serious complications in Cuba, in advance of the elections to be held in the near future, nevertheless I am asking Caffery to keep us fully informed of developments.

Caffery speaks of Gómez having "started the whole trouble." My understanding of the truth is that Gómez did not desire to make any issue with Batista, but was opposed to the military schools plan, and perhaps made the mistake of not announcing his opposition in advance of the tax bill being taken up and passed by the popular branch of the Legislature. Gómez seems to be an honest democrat, and there are those who are predicting that after a while he will be returned to the office from which he has been ousted.

Yours very sincerely,

Enclosure:
As stated.

Ruth Moore

The President,

The White House.

(AIR MAIL)

EMBASSY OF THE
UNITED STATES OF AMERICA

Habana, December 29, 1936.

PERSONAL AND
~~CONFIDENTIAL~~

Dear Judge Moore:

As I telegraphed yesterday, in reply to the Department's telegram No. 76 of December 26, 1 P.M., Colonel Batista told me on Sunday that he knew of no plans for any further changes in the Presidency.

The whole business in connection with forcing Dr. Gómez out of office was unfortunate. He, on his part, acted very tactlessly and as he started the whole trouble (as set out in my telegrams No. 47 of December 18, 6 P.M., and No. 52 of December 21, 2 P.M.) he caused his own difficulties. On the other hand, the impeachment charges were frivolous and the matter of the impeachment conducted with levity and haste. Also, there was a good deal of cowardice displayed among the members of Congress. However, as I implied in my reports to the Department, Army and the majority of the Congress were determined to force President Gómez out of office and it would have taken direct intervention by us to stop them. They were all very careful in everything they did to act strictly within existing law and the present Constitution. The Vice President duly succeeded to office as soon as Dr. Gómez left the Palace.

Fortunately Congress, a few days before these events, had finally, after much discussion and argument, voted the law for calling the Constituent Assembly. This, to my mind, now becomes of paramount importance. Under that law the Cuban people will be given the opportunity of freely expressing themselves as to a

new

The Honorable
R. Walton Moore,
Acting Secretary of State,
Washington, D. C.

new Constitution. (Since Machado's fall in August 1933, the Government has been operating under provisional Constitutions.)

Yours sincerely,

PSF: Moore
Judge
Drawer 1-37
State

Jan 5, 1937.

Memorandum of the Press Conf. handled by Judge Moore
For Departmental use only
NOT FOR THE PRESS

SEE--State Dept. (S) Drawer 1--1937

THE WHITE HOUSE
WASHINGTON

PSF

January 7, 1937

Moore

State

MEMORANDUM FOR THE PRESIDENT

Judge Moore seems to feel that it would be better for Nicholas Murray Butler or Newton Baker to nominate Hull and for you to write a follow-up letter.

Is this satisfactory?

M. A. L.

THE WHITE HOUSE
WASHINGTON

PERSONAL & CONFIDENTIAL

Dec. 28, 1936.

MEMORANDUM FOR

THE ACTING SECRETARY OF STATE

Do you think it would be all right for me to recommend Cordell for the Nobel Peace Prize for 1937? As, what they call in Europe, the "Head of the State", I should perhaps not do it, and also it might militate against his getting the award if I did do it; but, on the other hand, no one deserves it more than Cordell and he should have had it this year instead of Saavedra Lama.

If you think well of the idea of my proposing him, in accordance with this circular, would you give me an idea of what you think I should say and how I should say it?

F. D. R.

DEPARTMENT OF STATE
WASHINGTON

December 28, 1936.

CONFIDENTIAL

Dear Mr. President:

Of course we will all be delighted should the Secretary be made the recipient of the Nobel Peace Prize.

If you think it best for you not to nominate him, it seems to me it might be well to have him nominated by two or three of those who are qualified to do so, and at this moment I have in mind the President of Brazil, Newton D. Baker, a member of The Hague Court, with whom both you and I are intimate, and some outstanding University President, say Nicholas Murray Butler. When something of this sort is done, our Minister in Norway should be notified, so that in a tactful way he can support the nomination.

Yours very sincerely,

R. Walton Moore

The President,
The White House.

PSF: Moore
State

January 9, 1937.

My dear Mr. Secretary:-

As I have told you, I should personally like to nominate Cordell Hull for the Nobel Prize to be awarded December 10, 1937 -- but I hesitate to do so because of my position as the head of the Executive branch of the Government and of the fact that Cordell serves as the number one man in the Cabinet.

I think it would be a fine thing if somebody not in the Government service at this time could make the nomination, but such a person would have to qualify under the terms of the enclosed notice. If Nicholas Murray Butler or Newton Baker or Henry Stimson are members of the Institute of International Law and would care to make the nomination, it would be a very fitting thing.

Perhaps you would be good enough to take it up with one or more of them, and I have no objection if you care to show them this letter.

Always sincerely,

The Honorable,
The Acting Secretary of State,
Washington, D. C.

—!

PSF: Moore
State

DEPARTMENT OF STATE
WASHINGTON

January 14, 1937

Dear Mr. President:

In compliance with your suggestion I communicated with Dr. Nicholas Murray Butler, Mr. Newton D. Baker and Mr. Henry L. Stimson. Attached is a letter I have received this morning from Dr. Butler. It seems to me that it would be well for you to write to Anthony Biddle, indicating that when he hears that Dr. Butler has made the nomination you desire to have your interest in the matter manifested.

Yours very sincerely,

R. Walton Moore

P.S. Since the above was dictated, a letter has come in from Mr. Baker, which I enclose along with your letter to me and also a copy of Mr. Baker's letter to the Nobel Committee.

I am thanking Dr. Butler and Mr. Baker for their kindness.

RWM

The President,

The White House.

NICHOLAS MURRAY BUTLER
BROADWAY AT 116 STREET
NEW YORK CITY

5
RECEIVED
DEPARTMENT OF STATE

1937 JAN 14 AM 10 11

DIVISION OF
COMMUNICATIONS
AND RECORDS

January 13, 1937

The Honorable
The Acting Secretary of State
Washington, D. C.

My dear Mr. Secretary:

I have your letter of January 11 with its enclosure, being a copy of the letter addressed to you by the President under date of January 9.

I can think of no one to whom the award of the Nobel Peace Prize next year would be better justified than Secretary Hull. As a former recipient of that prize, I am invited to submit nominations and I am happy indeed to write by this post to the Committee at Oslo urging that the award be made to him.

With every good wish for the success of this proposal, I am

Very truly yours,

Nicholas Murray Butler

C

325

BAKER, HOSTETLER, SIDLO & PATTERSON

UNION TRUST BUILDING

CLEVELAND

January 13, 1937

ASSISTANT SECRETARY OF STATE
JAN 14 1937
MR. MOORE

Honorable R. Walton Moore
Department of State
Washington, D. C.

My dear Mr. Secretary:

I return the private letter enclosed for my information in your letter of January 11.

Nothing could possibly give me greater pleasure than to take any part in nominating Mr. Hull for the award of the Nobel Prize. His career as Secretary of State seems to me one of the very highest distinction not only because of the sincerity and directness of his actions, but because of the very modern wisdom with which he selects the economic instrument as the most powerful agency for use in efforts to maintain international peace. For your information, I enclose a copy of the letter which I have this day addressed to the committee. I am sorry to say that I do not know enough to feel sure that I have complied with the technical requirements in making such a nomination but as you will observe, I have asked the committee to let me supplement my letter so as to supply whatever technical omissions there may be.

With warm regards,

Cordially yours,

Newton D. Baker

Newton D. Baker

1-1a

January 13, 1937

Nobel Committee of the Norwegian Parliament
Oslo, Norway

Gentlemen:

As a member of the American Panel of the Permanent Court of Arbitration at the Hague, I respectfully nominate as candidate for the Nobel Prize the Honorable Cordell Hull, Secretary of State of the United States.

It is the general opinion of thoughtful people in the United States that Mr. Hull has not only conducted the ordinary diplomatic affairs of the United States with illustrious success and wisdom during the past four years, but that he has broadened the problem of the preservation of the peace of the world beyond the ordinary limits of conciliation, adjudication, and arbitration which have hitherto confined the thinking of workers in that field, by a recognition of the importance of the economic causes of war. Pursuing this broadened view, Secretary Hull has inaugurated a policy of economic liberalism in international affairs which constitutes the first serious and successful attack upon the economic barriers to international good will which have for these latter years increasingly menaced the peaceful relations of nations.

The position of the United States in the group of nations inhabiting the three Americas has, for historic reasons, been difficult. By Mr. Hull's eminent personal qualifications and the breadth and generosity of his views, much of the doubt and suspicion which has hitherto clouded those relations has been removed, and a policy of cooperation based upon understanding has been inaugurated in the three Americas which affords a promising basis for the hope that international peace will find a new and stable basis among these great peoples. The extension of this attitude and policy into international relations generally seems to me to constitute both the greatest hope for the peace movement and the greatest contribution to the cause of peace made by any citizen of the world within the past three or four years.

It may be that the rules of your Committee require that the nomination thus made shall be fortified by documents or other information. If so, I beg to be allowed to add to this nominating paper any information or evidence which may be necessary to entitle the nomination here made to your distinguished consideration.

With great respect, believe me

Very truly yours,

1-1a

THE WHITE HOUSE
WASHINGTON

Private

January 9, 1937.

My dear Mr. Secretary:-

As I have told you, I should personally like to nominate Cordell Hull for the Nobel Prize to be awarded December 10, 1937 -- but I hesitate to do so because of my position as the head of the Executive branch of the Government and of the fact that Cordell serves as the number one man in the Cabinet.

I think it would be a fine thing if somebody not in the Government service at this time could make the nomination, but such a person would have to qualify under the terms of the enclosed notice. If Nicholas Murray Butler or Newton Baker or Henry Stimson are members of the Institute of International Law and would care to make the nomination, it would be a very fitting thing.

Perhaps you would be good enough to take it up with one or more of them, and I have no objection if you care to show them this letter.

Always sincerely,

Franklin D. Roosevelt

The Honorable
The Acting Secretary of State,
Washington, D. C.

PSF: Judge Moore State

file

ASSISTANT SECRETARY OF STATE

WASHINGTON

January 16, 1937.

Dear Mr. President:

The enclosure, which is a report written by one of the most intelligent men in our service, has just come in, and I am handing it to you with the thought that after a while you may find an opportunity to look it over. It seems to me that the two principal points that stand out are, first, that it was wise in support of the cause of world peace to recognize the Soviet Government, and, second, that we are compelled to proceed very slowly in placing our relations with that Government on an approximately satisfactory basis, because of so many obstacles being encountered, due to the novelty of the political system that has been set up in Russia, and the peculiar mentality of those who are in charge of it. Before Joe Davies left, I impressed him with my view that he should do nothing in an impulsive or spectacular way, but hold to the festina lenti idea.

Yours very sincerely,

R. Walton Moore

Enclosure:
Despatch from Moscow
dated November 16, 1937.
[not present]

The President,

The White House.

PSF: Moore
State

ASSISTANT SECRETARY OF STATE

WASHINGTON

January 30, 1937.

Dear Mr. President:

Secretary Hull, Mr. Hackworth and I had a long session with Senator Pittman at his house last night, and came to a pretty full agreement on neutrality legislation. With the Secretary's approval I am mentioning several points which he thinks should be brought to your attention:

1. Pittman is anxious to retain his provision forbidding the operation of our merchant ships as armed vessels during a war. His argument in brief is that if the submarine of a belligerent knows that the American vessel is unarmed, it would have nothing to fear, and therefore would conduct a search of the cargo in the ordinary way, without ruthlessly torpedoing the ship on the belief that should it come to the surface it might be fired on from the ship. We think there is no reason why this proposal should not be accepted.

NO

Leave out

2. He argued very strongly against authority being given the Executive to proclaim danger zones which would be prohibited to our vessels under severe penalties. In brief he suggested that belligerents may be expected to declare certain zones dangerous, and that thereupon there would be an insistence here

Leave out all reference to war zones

The President,

The White House.

here that we should make corresponding declarations, and that thus soon all waters might be so declared. It was pointed out further that the Executive would often be without evidence on the question of the existence of danger; that there would have to be almost constant definition and redefinition of the zones, and that ships might incur the penalties prescribed without having the opportunity to know what zones had been declared dangerous. Furthermore, Pittman urged that to advertise in advance that we intend to declare zones dangerous would encourage belligerents to extend their zones in the effort to try to create a blockade. . It seems to us that the matter is not of sufficient importance to justify us in taking issue with Pittman.

3. He is in favor of excepting from the arms embargo the Latin American countries when engaged in war among themselves, but thinks the wise course is to postpone legislation on that particular question until after the Buenos Aires treaties are disposed of.

? Doubt if Pittman will press this

Should the legislation be as tentatively agreed, it will be altogether permissive except for the present mandatory arms embargo provision; the flotation of loans in this country by belligerents, and the arming of our merchant vessels.

Since we must see Judge McReynolds today, and perhaps start in on the hearings as early as next Monday, may I not ask that you read this letter at once and let me know your reactions to what is suggested?

Yours very sincerely,

Pittman

MEMO FOR THE P. S.

Bring this in again when I see Judge Moore.

F. D. R.

file confidential

BF
State:
Moore

THE WHITE HOUSE
WASHINGTON

February 2, 1937.

MEMO TO THE PRESIDENT:

Secretary Moore called me and asked me to give you the enclosed:

Item 1- Is a matter which he says he would like to see you about very shortly as he feels the time is getting short. I think the reason he has come through me is that he and Mac have had some kind of a fight, so if you want to see him you can take it up with Mac.direct.

Item 2- Is the matter which John Mack spoke to you about at lunch.

J R.

(1)

File
R. Walton Moore
(S) January 1-37

February 2, 1937.

Dear Mr. President:

The Committee created by you on International Civil Aviation, of which I happen to be Chairman, has frequently met in compliance with your instructions that it observe developments that are taking place, but it has never further complied by making any recommendations to you. We are now at the point where it seems highly desirable, if our interests are to be fully represented in the expansion of aviation, to consider what should be done in certain areas, and therefore some of us will welcome an opportunity to discuss some aspects of the situation with you as early as possible.

Pan American Airways is the only agency to which we can look to avoid the field being occupied by foreign agencies, and if it is to go further, new routes must be discussed, and of course any new route will involve appropriations for the carrying of mail.

The other day Mr. Trippe, President of Pan American Airways, met with the Committee and urged that unless the Germans and Dutch are to take charge to a large extent in South America, his company should be put in position to establish several additional routes. I have in hand all of the data pertaining

to

The President,

The White House.

to that matter, and perhaps in the very near future, since quick action seems imperative, you may be able to see me with Mr. Harllee Branch of the Post Office Department.

Mr. Trippe has a time limited license from the Government of New Zealand to enter that country on a route there from Honolulu, and this is something that Mr. Branch and I are prepared to discuss.

Aside from what has just been said, Colonel Johnson, of the Department of Commerce, and I may wish to talk with you about a question in controversy, upon the disposition of which probably depends the establishment of a trans-Atlantic service.

Yours very sincerely,

R. Walton Moore

A-M RWM:HM

(2)

DEPARTMENT OF STATE
WASHINGTON

February 2, 1937.

Dear Mr. President:

Colonel McIntyre has spoken to me of your desire to be informed as to the consideration of the sabotage claims by the American-German Commission, and about that matter I have very full information. Early last summer the Agent who represents us before the Commission, a Mr. Bonynge, former member of Congress from Colorado, who has represented us before the Commission since 1922, acting under the authority of this Department, went to Munich to endeavor to arrange a settlement of those claims, and he entered into an agreement with persons supposed to have complete authority from the German Government, whereby, speaking generally, it was agreed that the balance of a fund in the Treasury Department known as a German special deposit account, amounting to about $20,000,000, should be devoted to the payment of those claims. As soon as this was known, claimants other than the sabotage claimants, who have already received awards, strongly objected

to

The President,

The White House.

to this agreement, and we were under heavy pressure from both sides to state the attitude of this Department, and I may say, parenthetically, up to this time the German Government has not formally signified its approval of the Munich agreement. Among others who have talked to me are Mr. Mack of Poughkeepsie, New York, to whom I stated that we would do nothing more than tell the Commission, through our Agent, that it is for the Commission to pass on the controversy, and that we cannot become identified with either the award holders or the sabotage claimants. I then furnished Mr. Mack the draft of a letter that we proposed to write to the Agent, which, with some little change in phraseology, was written and placed in the Agent's hands, a copy of which is herewith. Thereafter a German named Markau came here, who was found not to represent the German Government, as was at first supposed to be the case, and subsequent to his visit it seemed from statements made to me by the German Ambassador that there were efforts made to create the impression that you were taking some stand relative to the sabotage claims and other matters at issue between our Government and the German Government, and thereupon, in order to clear away that impression, I wrote a letter to the German Ambassador, a copy of which is herewith.

It

It is not impossible that this business may be investigated by Congress, and the Department has exerted itself to make it perfectly clear that it is not trying to affect the action of the Commission, but only desires that in the interest of justice, and to avoid any ground for fair criticism, the Commission should act as a Court would act, by giving an opportunity for a free discussion of all the questions that have been raised as to the merits or demerits of the contentions of both the sabotage claimants and the award holders.

You will realize how fierce the struggle between the competing interests has become when I tell you confidentially that it has even been intimated that Bonynge is not straight, but I have no evidence whatever of his being otherwise than honest and earnest in his belief that the Munich agreement should be made the basis of an award by the Commission, and perhaps even though it may not have had the formal approval of the German Government.

Yours very sincerely,

Robert Moore

Assistant Secretary of State.

Enclosures:
As stated.

PSF: Moore State

THE WHITE HOUSE
WASHINGTON

file

February 15, 1937.

MEMORANDUM FOR

JUDGE MOORE

I think a conversation here with Bill Bullitt would be helpful at this time. If you agree with me, will you send him the necessary order?

F. D. R.

PSF: Moore

X

File
Personal

February 15, 1937

AMEMBASSY

PARIS (FRANCE)

For the Ambassador.

The President desires you to come to Washington at your early convenience. Telegraph date departure and name of vessel. This assignment not made at your request nor for your convenience.

Transportation expenses and per diem to Washington and return and $5.00 per diem at Washington in pursuance this instruction authorized subject Travel Regulations. Report all pertinent dates.

The original of this cable is going out to say
Robertson Moore
Feb 15/37

FA:MEN FP WE

PSF: Moore
State

Feb. 24, 1937

File

From R. Walton Moore
Memo saying that Pres. should see attached letter from Atherton in re- to Quezon and the Phillipine Islands.

SEE--State Dept. folder-Drawer 1--1937

THE WHITE HOUSE
WASHINGTON PSF: Moore State

April 5, 1937.

MEMORANDUM FOR

HON. R. WALTON MOORE

Will you explain this to the Secretary in confidence? I would entirely approve his actual resignation September first and, of course, if he personally wants to leave Berlin about August first, leaving Mrs. Dodd and his daughter there for the extra month, I suppose that can be arranged.

F. D. R.

Letter addressed to Judge Moore returned to him.

/

PSF: Moore
Stat

file
Moore
(3) Drawer 1-57

THE WHITE HOUSE
WASHINGTON

Hyde Park, N. Y.,
October 19, 1937.

MEMORANDUM FOR

HON. R. WALTON MOORE

Dear Walton:-

Ever so many thanks for that interesting postcard with the stamp celebrating our Constitution.

I hope to see you very soon.

As ever yours,

PSF: Moore

THE COUNSELOR OF THE DEPARTMENT OF STATE
WASHINGTON

October 15, 1937.

Dear Mr. President:

Whether the most famous of all stamp collectors will care to have the enclosure, I do not know, but I am venturing to pass it on to him.

Yours very sincerely,

R. Walton Moore

Enclosure

The President,
The White House.

PSF: Moore State

October 21, 1937.

To President
Memo from Walton Moore-State Dept.

Says British are unwilling to negotiate with respect to their claim to Canton Island etc.

SEE--Great Britain-Drawer 2--1937

file personal Moore

PSF: Moore
Stats

November 4, 1937.

MEMORANDUM

Published records indicate that in 1806 and 1807, the Legislatures of the following States expressed a desire that Jefferson consent to be proposed for a third term as President: Vermont, Massachusetts, Rhode Island, New York, Pennsylvania, Maryland, New Jersey, North Carolina, South Carolina, and Georgia. The resolutions of the various State Legislatures on this subject apparently are not included in the published writings of Jefferson; however, they may be among the Jefferson papers in the Library of Congress. It appears that Jefferson's reply in each instance was similar to the one made to the Legislature of Vermont on December 10, 1807 (copy attached).

H. S. Randall. The Life of Thomas Jefferson. Vol. 3, page 252.

Buttletin of the Bureau of Rolls and Library of the Department of State: Calendar of the Correspondence of Thomas Jefferson, part 2, Letters to Jefferson, pages 18, 354.

HA:CS:AMH

TO THE LEGISLATURE OF VERMONT.

December 10, 1807.

I received in due season the address of the Legislature of Vermont, bearing date the 5th of November 1806, in which, with their approbation of the general course of my administration, they were so good as to express their desire that I would consent to be proposed again, to the public voice, on the expiration of my present term of office. Entertaining, as I do, for the legislature of Vermont those sentiments of high respect which would have prompted an immediate answer, I was certain, nevertheless, they would approve a delay which had for its object to avoid a premature agitation of the public mind, on a subject so interesting as the election of a chief magistrate.

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 for 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 the second term of office.

Truth, also, requires me to add, that I am sensible of that decline which advancing years bring on; and feeling their physical, I ought not to doubt their mental effect. Happy if I am the first to perceive and to obey this admonition of nature, and to solicit a retreat from cares too great for the wearied faculties of age.

For the approbation which the legislature of Vermont has been pleased to express of the principles and measures pursued in the management of their affairs, I am sincerely thankful; and should I be so fortunate as to carry into retirement the equal approbation and good will of my fellow citizens generally, it will be the comfort of my future days, and will close a service of forty years with the only reward it ever wished. (Washington: The Writings of Thomas Jefferson: 121)

PSF: Moore
State
file
personal

THE COUNSELOR OF THE DEPARTMENT OF STATE
WASHINGTON

November 12, 1937.

Dear Mr. President:

You may possibly be interested in glancing at my two letters of yesterday to Senator Borah, to one of which I attached a copy of the memorandum I furnished you in October. The only reason I mentioned Senator Nye in the second letter to Senator Borah is that the former is among those who believe the neutrality act should be invoked.

Senator Thomas of Utah has just telephoned me that he has within the last week made a speech opposing the application of the neutrality act, a copy of which when furnished me I will send over to you. It happens that the other Utah Senator, who is by no means pro-Administration, has telephoned me that he holds the same opinion that is entertained by such people as Senators Borah and Thomas.

I doubt whether there will be any serious division of opinion on the question as to the propriety of the course you have taken. I am entirely against Mr. Davis' suggestion expressed in a cable received from him yesterday, that you should ask Congress to repeal the act, so far as concerns the Far Eastern conflict. That would simply be opening the door to a protracted debate,

which

The President,

The White House.

which, if possible, should be avoided.

I again venture to urge that any explanation you may make should be by way of an exchange of letters between you and Senator Pittman, instead of by your making a formal statement to Congress.

Yours very sincerely,

Breckinridge Long

Enclosures:
Copy of memorandum;
Copies of letters
to Senator Borah,
dated Nov. 11, 1937.

November 11, 1937.

My dear Senator:

I am sorry that work here that I could not lay aside has delayed me in complying with your request.

I am handing you herewith a memorandum I prepared last month at the President's request, which is simply for your own eye, which outlines in a very restrained way the reasons for failing to invoke the Neutrality Act. It might have stated that at least there was a possibility that the application of the Act when the hostilities began would have caused disorderly elements in China to engage in merciless treatment of our nationals there. It could have set forth more strongly that to declare the existence of a state of war would have given Japan a welcome opportunity to exercise full belligerent rights and compel our naval vessels to desist from rendering any aid to our nationals in China, and perhaps thereby involve us in a clash with the Japanese Navy. Aside from the construction of the law, it seems to me that every argument supports the President in the course he has taken.

If there should be a debate it may be suggested that the Administration is prompted by a desire to facilitate munition makers in shipping arms,

The Honorable
William E. Borah,
United States Senate.

arms, ammunition and implements of war. The reply to that is that the total of the shipments for which licenses have been granted is comparatively trifling. In the period from July 15 to November 11, the value of license shipments to China was $6,008,086.05 and to Japan $1,470,566.24.

Should it be said that invoking the Act would have prevented the two nations from purchasing war material here, the reply to that is that up to this time their purchases have been on a cash basis and according to such information as we have, it will continue at least temporarily on that basis.

In case you think I can supply any further information I will be very glad to do so either by writing you or seeing you.

With high regard, I am

Yours very sincerely,

S. Walton Moore

Enclosure:
As stated.

RWM:AEM

November 11, 1937.

Dear Senator Borah:

Since I wrote you this morning my attention has been called to the fact that in April of this year there was some discussion in the Senate on the question as to whether the President is required when hostilities occur without any declaration of war to find the existence of "a state of war." In the memorandum furnished me Senator Nye is quoted as saying "It is altogether necessary that the determination as to when a state of war exists be left somewhere. I do not know where else it can be left than with the President of the United States. That discretion is now with him. There can be no exercise of a policy of neutrality without his finding a state of war to exist, and so proclaiming. I do not know how we can escape from that degree of discretion. I am sure it cannot be escaped." (Congressional Record, April 29, 1937, page 5161.)

Yours very sincerely,

R. Walton Moore

The Honorable
William E. Borach,
United States Senate,
Washington, D. C.

A true copy of the signed orig.

October 19, 1937.

REASONS FOR NOT INVOKING THE NEUTRALITY ACT
OF MAY 1, 1937, IN CONNECTION WITH THE
FAR EASTERN SITUATION.

1. It is admitted that the so-called Neutrality Act of May 1, 1937, is fundamentally and essentially intended to keep this country out of war. That is the spirit of the Act which leaves a wide discretion to the President. He is not required to issue an arms embargo proclamation under section (1) until he makes a finding that a state of war exists and he is not compelled to make such a finding on the basis of any specific facts or circumstances. The language of the Act is "Whenever the President shall find that there exists a state of war between, or among, two or more foreign states, the President shall proclaim such fact, and it shall thereafter be unlawful to export, . . . arms, ammunition, or implements of war from any place in the United States", etc. This language differs from that contained in the Act of August 31, 1935, which provides "That upon the outbreak or during the progress of war between, or among, two or more foreign states, the President shall proclaim such fact, and it shall thereafter be unlawful to export arms", etc. If, when it enacted the present statute, Congress had intended to make it obligatory on the President to issue a proclamation at the outbreak or during the progress of hostilities, probably it would not have used language which appears to leave it to his discretion to make or not to make a finding.

2. It

PSF

2. It would be one thing for the President, in determining whether or not to invoke the act, to accept some narrow, legalistic view that might be urged upon him, based on the circumstance that there are hostilities in progress in China. It is quite another thing for him, in the light of his general duties and responsibilities in the domain of foreign affairs, and the conceded interests of this country and its nationals, and bearing in mind the obvious purpose of the act, to proceed with caution in order to avoid this country's being involved in war, and to prevent the complications that an application of the act would inevitably create. When he thus fairly surveys the situation, and discovers that there has been no declaration of war by either of the parties to the conflict, both Japan and China being unwilling to admit that a state of war really exists, and continuing to maintain diplomatic and consular relations with each other; when he further discovers that no other country has seen fit to treat the conflict as a state of war, and when he further discovers that there are conditions very clearly indicating sound reasons for not invoking the act, the President believes the course he has taken will meet the approval of Congress and the American public.

3. While it is true that the coast of China has been blockaded as to Chinese vessels, a belligerent blockade has not been declared, and American shipping has not been subjected to the exercise of belligerent rights. Had the President issued a proclamation under the act, and the same been

accepted

accepted by the parties to the conflict as correctly describing the situation, and had the parties thereupon proceeded to the full exercise of belligerent rights on land and sea, our nationals and their interests would thereby have been subjected to very great and unjustified annoyance and hazard. When the difficulties in the Far East started, more than ten thousand American nationals were in China, some engaged in business, some in religious and charitable work, and others as visitors. The immediate and pressing problem concerning this Government was and is the protection of the lives and property of those people, some six thousand of whom are still in China. We have taken and are now taking the measures and precautions that seem best calculated to promote their safety. No argument is needed to indicate the perils to which our nationals, or many of them, might have been subjected by the application of the act. The difficulty of evacuating and protecting them might have been greatly increased by clothing the contending parties with greater freedom of action and a less degree of liability than now obtains. In addition, it may be suggested that the parties by exercising full belligerent rights might have affected the status of our naval vessels in Chinese waters and occasioned incidents leading to the sacrifice of the great basic theory of the Act.

4. In brief, it has been the judgment of the President that for him to find and proclaim the existence of a state of war

war would have tended to defeat rather than carry out the purpose of Congress. Nevertheless, with a view to carrying out the spirit of the Act to the extent that seemed reasonably warranted, he has announced that government-owned ships shall refrain from transporting arms, ammunition, and implements of war to either Japan or China, and that other American vessels will engage in such trade at their own risk. This he considered was as far as it was prudent for him to go.

RWM:AEM

PSF: Moore
State

COPY

THE WHITE HOUSE
WASHINGTON

November 21, 1937.

MEMORANDUM FOR JUDGE MOORE

I wish you would talk with the Secretary and tell him I suggest that you proceed immediately to the study of the possibility of adopting a new policy relating to off-shore fishing in Alaska. The policy would be based on the fact that every nation has the right to protect its own food supply in waters adjacent to its coast in which its fish, crabs, etc., leave at certain times of the year on their way to and from the actual shore-line or rivers.

I am fully aware of the old decisions in sealing decisions and awards. Nevertheless in the case of Alaska, we are faced with the problem of food supplies rather than of fear, which can hardly be classed as a necessity of life. Therefore, if on the facts it is necessary to protect fish which would normally be used for food in the United States on their migrations up to any reasonable distance from the actual shore, we would be giving some needed protection to one of our national food supplies.

I make the suggestion of a study of this kind only with the thought that Japan may seek to delay action and that we can not go along with much further delay. It occurs to me that a Presidential proclamation closing the sea area along the Alaskan coast to all fishing -- Japanese, Canadian and American -- might be a way out -- in other words a kind of marine refuge where one is essential to end depletion. I do not know what Japan could well say in the event of such a proclamation and I am reasonably certain that the Canadian Government would approve and probably do the same thing along their British Columbia coast-line.

F. D. R.

PSF: R. W. Moore
State

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
DIVISION OF TERRITORIES AND ISLAND POSSESSIONS
WASHINGTON

~~CONFIDENTIAL~~

January 17, 1938.

MEMORANDUM for Solicitor R. Walton Moore,
Department of State.

On May 13, 1936, the President by Executive Order transferred to the Department of the Interior the jurisdiction of the islands of Jarvis, Baker and Howland, situated near the Equator, the first close to the Great Circle route from Honolulu to Auckland, New Zealand, the other two not far from the Great Circle route from Honolulu to Sydney, Australia. American citizens were settled thereon, and United States sovereignty definitely established by this occupation which continues, a United States Coast Guard cutter from Honolulu visiting these islands four times a year to bring water and food supplies.

The information received in the Interior Department at the time was that these islands were potential "first hop" stops from Honolulu to New Zealand and to Australia respectively. (The islands are flat and could be landed on in an emergency by a land plane. The surface of Howland was specifically prepared for land plane landings in the Spring of 1937 in anticipation of the landing of Amelia Earhart.)

This Fall the islands were visited for the first time by an official from Washington, namely the writer, the Director of the Division of Territories and Island Possessions. Previous to my departure from Washington, I conferred with Mr. Samuel W. Boggs, Geographer of the State Department, who stated that there were a score or so of small islands in the Pacific, ownership of which was in dispute between Great Britain and the United States. He further stated that negotiations were in progress with the British with the idea of establishing definitely which islands belonged to which sovereignty. He mentioned the Phoenix group specifically, to all of which the United States had some claim, although varying in validity among the islands of this group. The Phoenix group, lying directly south of the Equator in approximately the same longitude as Howland and Baker, is potentially serviceable on the Great Circle flights to Australia.

It was suggested that I visit this group in connection with my visit to the adjacent islands of Howland and Baker and check up on the Phoenix islands' usefulness as commercial airplane stations, etc. I was told that current negotiations with Great Britain had sought to establish the premise that neither nation do anything to disturb the status quo, and was enjoined therefore neither to make any move to admit British sovereignty nor to establish ours.

I left Honolulu on October 23 aboard the Coast Guard cutter Roger B.

Taney. We visited and inspected a number of islands in the general region of the "first hop" stops on the Great Circle routes to New Zealand and Australia respectively. In the first group (America group) were Kingman's Reef, Palmyra, Fanning, Christmas and Jarvis. In the second group (Phoenix group) were Hull, Sydney, Phoenix, Enderbury, Canton, Baker and Howland. My observations as a result of these visits are as follows:

Howland, Baker and Jarvis are of relatively little use for trans-oceanic flights for the following reasons:

A. Only land planes can alight there. It seems that among those who planned the original occupation of these islands by the United States two years ago, someone was convinced that future trans-oceanic flying would be by land planes. This is not the case today, and certainly will not be so in the near future. In any event, it would have seemed advisable to have selected among the available islands some that had both sufficient land surface for land plane airports and sheltered water for seaplanes.

B. Howland, Baker and Jarvis are all small, the largest being Howland, less than two miles long and about two-thirds of a mile wide. Both Jarvis and Baker are somewhat smaller.

C. Landing has to be done in small boats across the reef. No anchorage exists around any of these islands, the reef shelving off abruptly to great depths. The transportation of heavy materials onto these islands is next to impossible. Therefore anything like a permanent establishment here is out of the question.

PHOENIX ISLANDS

In the Phoenix group, however, there is another island--Canton--which possesses just the qualifications required. At the time Howland, Baker and Jarvis were settled early in 1936, Canton was unoccupied. The United States claim to it was approximately as good as to Howland, Baker and Jarvis. It is therefore difficult to understand why Canton was not selected for settlement, certainly in preference to both Howland and Baker and even more in preference to the second of these two islands, since these two, situated close together and wholly similar, duplicate each other without additional advantage.

Canton is a coral atoll, situated between the 171st and 172nd parallels of longitude west and approximately two degrees four minutes south. It is a somewhat irregular rectangle with an opening in the reef on the west about 100 yards wide and a channel eight to ten feet in depth at high tide. This channel therefore permits the passage of small boats into the lagoon. The lagoon is about nine miles long and four miles wide. While it contains some coral patches and undoubtedly some blasting would have to be done, it is now possible for seaplanes to land there. Moreover, there is ample surface for land planes, particularly on the north side of the island where there is almost a straight runway for some three to four miles with a width varying between 200 and 300 yards. This runway is in the direction of the prevailing winds, and there are other areas available on the west side below the opening in the reef, on the south side and on the west. In addition to having both land plane and sea plane potentialities, it has an anchorage. The open-

ing in the reef could without difficulty be deepened to admit vessels of desired size.

Canton is the most desirable island and perhaps the only one in the Phoenix group worth acquiring for aviation purposes.

The British have established two white men, one of them a radio operator, on Canton, with one native (Union Islander) servant. They are established on the west coast just south of the entrance to the lagoon, and their shacks are adjacent to those established by the American eclipse expedition of June, 1937. This expedition's marker, of concrete, with an American flag enameled on both sides and bolted through the concrete, still remains. When we visited the island, the British radio operator declined our invitation to come aboard for dinner on the ground that he could not leave his radio and that his associate was over on the other side of the island with the native servant. We gathered that these two were surveying.

It seems a great pity that we did not take possession of Canton at the time we occupied Baker, Howland and Jarvis, as Canton would have been ample for commercial flying needs in this region and would likewise have been useful for naval purposes.

Hull, the next best island in the Phoenix group, has an ample lagoon about four miles long by three miles wide, but the land surface is inadequate except on the northeast rim. Landing there would be difficult in case of a southeast or northwest wind.

Enderbury is an island of the Howland, Baker and Jarvis type, although considerably larger, being three miles long and approximately a mile wide.

Within the last year the British have taken definite steps to occupy these islands, formerly unoccupied. Natives are apparently established on Hull, and this and the other islands have been formally annexed to the Gilbert and Ellice colony. Within the past year, some Union Islands natives have been settled on Sydney, Phoenix and Enderbury are still uninhabited, but the British flag has been hoisted and is apparently renewed every few months on a flag pole beneath which are the two following wooden markers, of which I have photographs:

This Island belongs to His Brittanic Majesty
King George II, was visited by H.M.S. LEITH
January 1937. (Signed) J.C.P. Judway
Captain, R.N.

Gilbert and Ellice Islands colony.
Administrative visit to Phoenix Island
H.M.C.S. "Nimanoa" October 1937
(Sgd) M.L.Singleton H.E.Maude
Master H.M.C.S.Nimanoa Administrative Officer
C.E.J.C.

The British who visited the islands in October, 1937, erected similar signs on all the Phoenix islands. The indication would therefore be that definitive possession was not proclaimed until last October, just a few weeks, if not days, before my visit.

AMERICA ISLANDS

In the islands lying due south from Oahu, the so-called America group near the Great Circle route to New Zealand, far and away the best island for commercial land and sea plane stops as well as for naval purposes is Christmas. Christmas is a large island, some 30 miles long, 17 to 18 miles wide, and contains a large magnificent lagoon as well as several smaller lagoons. The large lagoon is about 12 miles long and eight miles wide. The island is flat and there is enough flat land for all the land planes and sea planes of the United States to alight there. I inspected several regions of flat hard ground two or three miles square.

Christmas is sparsely settled. Its present occupants consist of five white persons and some 30 Tahitian natives. The whites are the British administrator, Cowie; a Czecho-Slovak named Jarabeck who is the manager of the copra concession which has been leased to a French resident of Tahiti; his wife, his eight-year-old son; and one assistant. Were it possible for the United States to secure possession of Christmas, we should have in this one island everything that we need in the Great Circle route to New Zealand.

The other possibilities in this group are negligible.

Fanning seems to be indisputably British.

Washington is too small.

Kingman's Reef, which we already have, is wholly unsatisfactory. There is no land surface. Even at low tide only a small portion of the reef is visible. When winds blow from the south, a ship anchored within to supply fuel would not be safe; and it is entirely safe to say that with a rough sea, even though the weather may be good for flying, it would be impossible for a plane to land there. With a southwest wind, the waves come in through the opening and would make it extremely difficult to land there even in good weather. I have confirmed with Mr. Juan Trippe, President of the Pan American Airways, that Kingman's Reef is considered unsatisfactory and even potentially dangerous.

I understand that the Navy is planning to spend several hundred thousand dollars in blasting an opening through the reef in Palmyra and further blasting the coral to connect the three lagoons and make this island available for an airplane station. This in my judgment will prove a total waste of funds. The coral reef extends for four miles west of the place where the lagoon would have to be entered. For fully a mile, it has a varying depth of only two or three feet. Blasting there would be extremely expensive. The longest length of the largestlagoon is less than a mile; the other two lagoons which are separated from it by considerable coral are respectively half a mile and two-thirds of a mile in length in the same direction. Beyond that is the fact that there is inadequate land surface on Palmyra and only the sketchiest

kind of an establishment could be created there. I am convinced that a vast expenditure of money there would produce nothing satisfactory.

Instead of expending large sums of money on Palmyra, I warmly recommend that every prior effort be made to secure Christmas, which is not only in the same group but is better situated because further away from Honolulu and nearer Pago Pago, which would be the second stop in the flight to New Zealand. If all efforts fail in securing sovereignty over Christmas, it is possible that a joint occupancy with the British could be worked out. (A similar joint occupancy between the Dutch and the French exists on a very much smaller island in the Caribbean, St. Martin.)

As long as this whole issue of sovereignty is still moot for numerous Pacific islands, and questions of earlier occupancy and use are involved, and in view of the necessities of the situation, I would recommend the settling on Christmas Island of Hawaiian boys as was done on Howland, Baker and Jarvis. The British claim has of course been greatly strengthened by recent occupation, but the United States had a long occupation prior to that and occupation now would tend to blur and lessen the force of the British claim based on present occupancy. There is ample room on the island for a settlement of Hawaiian boys without any conflict with the British who are grouped close to the north entrance to the lagoon.

Based on my observations, I would recommend a similar settlement on Canton Island. British occupancy is a matter of only a few months. It appears to have been in violation of our understanding at least, and settlement established by both the United States and Great Britain would greatly strengthen our claim. Settlement could very easily be effected either adjacent to the present British housing on the same side of the opening of the lagoon, or the other side. I would recommend the same side where the eclipse expedition has left considerable material and where the American marker is located.

For trading purposes in negotiations with Great Britain, I would likewise recommend settling on Enderbury and possibly Phoenix, which are now unoccupied.

I did not visit some of the other islands included in the list of those Pacific Islands to which the United States has a claim, particularly those in the Gilbert group. If these are desirable for other purposes, then the strengthening of our claim on the previously mentioned islands in the Phoenix and America groups (Canton, Enderbury, Christmas) might be useful for trading purposes. In the case of Canton, there is a valid reason for prompt action. The British occupancy--the settlement of the two white men and a native--is less than six months old. It will be completely nullified by our occupancy. But if we delay, it seems entirely probable that the British may land further settlers, may start deepening the channel into the lagoon, may blast in the lagoon and may lay out a flying field on the land surface. This has not yet taken place, but conceivably may begin at any moment. Such expenditure of funds on the island by the British would greatly impair any efforts we might make to secure this island.

It would seem that at this critical point in the effort to secure Pacific Islands we should not make the mistake of taking possession too late. We are

presumably entering a period when these claims are losing their fluidity. In a very short time it will be much more difficult to achieve what can now be achieved. I believe that the present world situation, the unpaid British debt to us, etc. should make it easier for us to secure concessions now from the British than at some future time.

Ernest Gruening

ERNEST GRUENING,
Director.

DEPARTMENT OF STATE
WASHINGTON

January 27, 1938.

My dear Mr. President:

Soon, a year will have elapsed since the attention of this Government was drawn to the status of Canton Island and certain other islands in mid-Pacific.

In the interval, there has been much activity, but the status of the islands is no nearer settlement than it was a year ago. On August 9, 1937, we proposed to the British a standstill during discussions between our two governments as to the title to the Island of Canton and to certain other islands which is the subject of conflicting claims. The British, despite promises made by Embassy officials, at various times, to press the matter, have exhibited a definite tendency to engage in dilatory tactics. It is true that in a note of October 20, 1937, they accepted in principle the method proposed by this Government for settling the issue, but they nullified the effect of their acceptance by excepting from the discussion the Island of Canton and the other islands of the Phoenix Group. Moreover, some time after they had

The President,

The White House.

had received our note proposing a standstill, they took steps to land settlers and equipment on Canton Island and on the other islands of the Phoenix Group, thus disregarding the proposed standstill.

Clearly, then, the time has come to bring this matter to a head. This Department is of the opinion that further delay not only would serve no useful purpose but would be harmful to our interests involved. The Navy and Interior Departments wish to act at once.

In the circumstances, you might wish to consider the following alternative courses:

(1) You might wish personally to summon Lindsay to discuss the matter further in the hope of persuading the British to engage in a settlement in negotiation with us. It is apparent, however, from past experience with Sir Ronald in this case that either he himself does not attribute great importance to it or his efforts make little or no headway at the Foreign Office. He would, doubtless, repeat, as he has on every previous occasion, that the British Government can do nothing without the approval of the New Zealand Government--and the approval of the New Zealand Government does not appear to be forthcoming. Nevertheless, it would do no harm to attempt to convince Lindsay of the manifold advantages of following the procedure of settlement of the controversy in discussion

between

between the two governments during a standstill, and, in order to give added weight to our contention that this would constitute the wisest course and the least prone to lead to unfortunate publicity, you might be disposed to convey a warning to him that unless his Government can see its way to accept our proposal with regard to method of settlement in a month's time, you will feel obliged (a) to transfer by Executive Order to the Department of the Interior the administration of the islands in mid-Pacific to which we make claim and (b) to land settlers on those islands.

(2) In case you feel that this course entails too much delay, you might--this course is apparently favored by the Navy and Interior Departments--transfer by Executive Order to the administration of the Department of the Interior (a) the islands of the Phoenix Group, to which we make claim, particularly Canton, Enderbury, Phoenix and McKean Islands, or (b) a more extensive list covering all islands in mid-Pacific to which we may make claim, even though we might abandon many such claims at a later date by virtue of an agreement with the British. On this list might even be included Christmas Island, which the Navy and Interior Departments are particularly desirous of occupying, at least in part, but as to which our position is weak. At the same time, you might authorize the

despatch

despatch of the revenue cutter Itasca with settlers and equipment for Canton, Enderbury, Phoenix and Christmas Islands. We would then be in the situation of having, on some of the islands, both American and British settlers side by side--while awaiting a diplomatic settlement of the issue.

If you favor this second alternative, I am of the opinion that we should communicate the enclosed note to the British, giving them notice that we regard, among others, Canton, Enderbury, McKean and Phoenix Islands as American soil, pointing out that we regard the British occupying party on Canton Island as being on American territory without authorization, and regretting that they have not seen their way to accept our proposal of settlement of title to the islands in joint discussion.

I should very much appreciate your instructions, and shall hold myself in readiness to discuss the matter with you further if you desire. Meanwhile I enclose copy of Mr. Gruening's memorandum following his visit to some of the islands, and the draft note to Sir Ronald Lindsay above referred to designed to recover our freedom of action.

Faithfully yours,

Robert Moore

Enclosures:
1. Memorandum of Mr. Gruening.
2. Draft of a note to the British Embassy.
3. Map.

DEPARTMENT OF STATE
WASHINGTON

Excellency:

Reference is made to this Government's note of August 9, 1937, suggesting a method of settling by a standstill during discussions between the American and British Governments as to the title to the Island of Canton and certain other islands in the Pacific which is the subject of conflicting claims.

More than five months have now elapsed since the American Government proposed to the British Government the discussion of the conflicting claims of ownership of Canton and certain other Pacific islands. In its note of October 20, 1937, the British Government, it is true, accepted in principle the proposed method of settlement with this Government, but nullified the effect of this acceptance when it specifically excepted

from

His Excellency
The Right Honorable
Sir Ronald Lindsay, P.C.,
G.C.M.G., K.C.B., C.V.O.,
British Ambassador.

from the proposed discussion the Island of Canton and the Phoenix Group of islands and, at a time when the American Government considered itself bound by the standstill agreement it had proposed in its note of August 9, 1937, the British Government sent settlers and equipment to Canton Island. Moreover, despite several conversations between officials of the Department of State and Your Excellency, the proviso excepting the islands of the Phoenix Group from the discussion has never been withdrawn.

The American Government, therefore, is reluctantly obliged to conclude that the British Government is not willing to accept the method of settlement by means of a standstill during discussions as to the title to Canton Island and certain other islands in the Pacific, and is compelled to reiterate that it does not accept as binding upon it the British Order-in-Council of March 18, 1937, incorporating in the Gilbert and Ellice Islands Colony the Phoenix Group of islands. Further, it can not accept as a valid basis for a claim to any one island possession established by occupation subsequent to

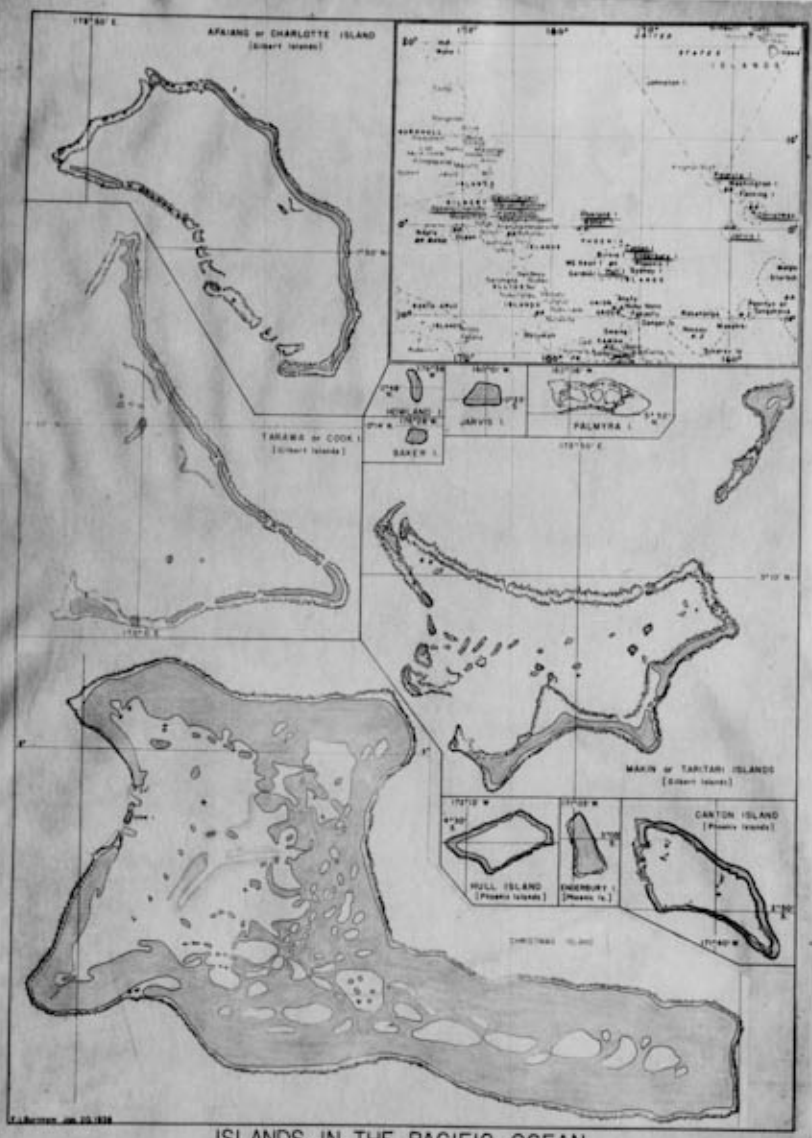
its

its note of August 9, 1937.

The American Government, on this occasion must, moreover, without prejudice to its claims to other islands in the Pacific not included in the Phoenix Group, inform the British Government that it regards Canton Island, Enderbury Island, McKean Island and Phoenix Island in the Phoenix Group of islands as American territory by virtue of discovery, occupation at various times and proclamation. The American Government, accordingly, feels free to exercise in these islands all the rights and privileges accruing to possession.

The American Government had hoped that the procedure which it suggested in its note of August 9, 1937, might be followed. In the circumstances, however, it is constrained to point out that it considers the British occupying party on Canton Island as established, without authorization, on American soil.

Accept, Excellency, the renewed assurances of my highest consideration.



ISLANDS IN THE PACIFIC OCEAN

SCALE 1:400,000

Statute Miles

Nautical Miles

SEE ALSO-Navy and Interior
folders for other correspondence
on Canton Island etc.

Confidential file

PSF State: Moore

W.

THE COUNSELOR OF THE DEPARTMENT OF STATE

WASHINGTON

January 27, 1938.

Dear Mr. President:

The attached papers pertain to the effort we have been making to bring about a negotiation with the British Government relative to the islands of the Pacific. Included is my letter to you of this date, and also the draft of a letter you may wish to approve our sending to the British Ambassador.

The matter has been very carefully considered by several of the Department officials, and should you wish to discuss it personally with any of us, Mr. Moffat, Chief of the European Division, and I will be at your service for that purpose.

It is perhaps proper that I should emphasize the point that we all agree that our Government cannot maintain a claim of ownership of Christmas Island, the evidence showing that it was not only discovered, but for a long time has been occupied by the British. Accordingly, if there is an executive order, you will wish to consider whether the order should name Christmas along with the other islands. It is also proper to mention that if action is to be taken by executive order, the order should be issued in advance of the sailing of the Coast Guard Cutter Itasca, which expects to sail from Honolulu to the South Pacific within the next week or ten days.

Yours very sincerely,

Enclosures:
As stated.

R. Walton Moore

The President,

The White House.

PSF: Moore
State

file personal

THE COUNSELOR OF THE DEPARTMENT OF STATE
WASHINGTON

February 26, 1938.

Dear Mr. President:

This refers to the salmon fishing matter, which I believe you will think ought to be handled without much delay, in view of the concern felt on the Pacific Coast about further Japanese activities.

The paper I left you last week is what has been thought out here as a statement the Japanese Government might concur in being published as a temporary disposition of the problem. The idea is that if you approve the statement, it should be sent to Mr. Grew. Of course it may not be acceptable to the Japanese, but if acceptable, our belief is that we will certainly have no further trouble this year.

When the statement was being put in final form, Senator Schwellenbach and Mr. Dimond came to my office, and some suggestions made by the Senator were adopted. A little later I had a telephone conversation with Senator Bone, informing him of what is proposed. While Senator Schwellenbach seems to be doubtful about the possibility of effective legislation, Mr. Dimond is naturally anxious that his bill, which is pretty drastic, should be enacted, but my belief is that all of the gentlemen mentioned are willing to experiment in taking the course now being proposed.

Yours very sincerely,

Pelham Moore

The President,

The White House.

file confidential

PSF: Misc State

DEPARTMENT OF STATE
WASHINGTON

March 10, 1938.

My dear Mr. President:

You may be interested in knowing that the British Ambassador sent a note late Tuesday afternoon very much regretting that we had taken action in regard to Canton Island and Enderbury Island "without awaiting their proposals which it is their hope will serve as a basis for ending an unfortunate controversy in a manner designed to preserve intact the real interests of all parties concerned, while rendering of less importance the vexed question of conflicting claims to the various islands in the Southern Pacific". (No indication had ever been received before last Saturday that such proposals were contemplated or would be forthcoming.)

The note then continues in reserving British rights, and concludes with the hope "that no further difficulties

The President,

The White House.

difficulties will arise pending the receipt of their proposals".

As you probably know, Ambassador Kennedy has an appointment with Lord Halifax this afternoon when he plans to discuss the general question.

Faithfully yours,

Walton Moore
Counselor

11:30 appt.

THE WHITE HOUSE
WASHINGTON

April 13, 1938.

MEMO FOR S. T. E.

I want to see Judge Moore

and Dr. Gruening next Monday.

F. D. R.

file
private

BSF
Move
State

THE COUNSELOR OF THE DEPARTMENT OF STATE
WASHINGTON

April 7, 1938

Dear Colonel Roosevelt:

Enclosed is a copy of a memorandum written by Mr. Pierrepont Moffat after he and I had talked with the British Ambassador yesterday. Following the talk we furnished the Ambassador an Interior Department press release stating the substance of the Canton Island permit granted the Pan American and also informed him that the permit is revocable at any time without notice. We thought it was very desirable to indicate to the Ambassador that perhaps his Government has in mind obtaining the right to enjoy aviation facilities in Hawaii, our purpose being to head him away from that possibility.

I am in touch not only with Mr. Moffat but with Dr. Gruening and as before stated we can see the President at any time he may appoint.

Yours very sincerely,

R. Walton Moore

Enclosure:
Memorandum.

Colonel James Roosevelt,
Secretary to the President,
The White House.

DEPARTMENT OF STATE

MEMORANDUM OF CONVERSATION

Date: April 6, 1938

SUBJECT: Canton Island

Participants: The British Ambassador
The Counselor of the State Department
Mr. Pierrepont Moffat

Copies to: C
U
S
IC
PA/H

Interior
London
Wellington
Sydney

Sir Ronald Lindsay called this morning much perturbed over press reports that the Secretary of the Interior had given a license to the Pan American Airways to use Canton Island as a base. He said that he was very much afraid that this would complicate a final agreement between the two Governments as to the Islands and wondered whether it might not have been issued as a means of pressure to expedite a reply from the British Government to the President's proposal that the Islands be held as a joint trust. The Ambassador was assured that the permit had not been issued as a means of exerting pressure, but had been issued in order to enable Pan American to make use of the Island. He was also assured that the permit was revocable on 30 days' notice. We saw ourselves confronted by two possible alternatives, either not to use the Island in any way during such period as discussions were in progress or for both to feel free to use it, without prejudice to any ultimate agreement to be reached. Of the two alternatives we very much preferred the latter. The Ambassador asked for a copy of the permit which Judge Moore agreed to send him.

Sir Ronald then said that speaking without instructions but according himself the luxury of thinking aloud, he felt he should tell us that he had many preoccupations as to the future. The British Government had been dealing with the

Dominions

Dominions for months and was just on the point of sending us a proposition,- he had even seen a first draft prepared in the Foreign Office,- when we had taken precipitate action by sending an expedition to the Island and had shortly thereafter made a proposition in the name of the President that the Islands be held by the two countries as a joint trust for from 25 to 50 years. He asked himself in whose favor the trust was being held, and the answer was inescapable that it was for the sole benefit of the two trustees. In other words, whether we liked it or not we were faced with the idea of a condominium. He thought that working out the details of a condominium would be exceedingly difficult and that carrying out any form of joint administration would be bound to produce trouble. Mr. Moffat inquired whether the Ambassador was suggesting a division of the Island, profiting by its curious geographic formation, so that the British, Australians and New Zealanders would administer one side and the Americans the other. Sir Ronald replied that he doubted whether such a solution would be practicable, instancing as a possible difficulty, a situation where one side of the Island would be wet and the other side dry. His mind had toyed with the idea of one of the four interested Powers accepting an administrative mandate from the others, possibly for a limited period with a system of rotation, but he was frank to admit that he saw difficulties even with this plan. He did not know how it would work out even in the matter of planting palms and eventually of settling the Island with natives. Perhaps he might be "seeing spooks" but having successfully passed the hurdle of differences of principle, he was anxious to avoid practical difficulties.

Judge Moore told the Ambassador that he had not yet had an opportunity of discussing the problem with the President. He was inclined to think that the difficulties might be solved by exchange of notes whereby the two Governments would agree that certain administrative measures should be observed and leave the application of these measures to the men on the spot, whom both countries would have the interest in keeping of a high caliber. The bigger question seemed to him to determine just how many Islands this principle of a joint trust should apply to. Sir Ronald indicated that the British Government was making an exceedingly generous offer in granting full reciprocal use of Pacific Islands for aviation purposes. Judge Moore pointed out that the British note was ambiguous but that we had been concerned lest they were asking for landing rights in Hawaii. This would raise all sorts of difficult problems bearing on our defense and on our relations with other Powers who might feel that we were

discriminating

discriminating against them. Sir Ronald replied that he was not quite sure what was the intention of his Government with regard to Hawaii; that he thought the spirit of the note dealt only with Islands enroute between New Zealand and Hawaii rather than with the terminals. On the other hand he admitted that the following sentence in the British note might be construed in the other sense:

> "It is still desired to maintain this offer which the Governments concerned trust will commend itself to the United States Government, providing as it does for a concerted scheme for establishing equal air facilities on a route where conditions must indefinitely preclude the existence of competition between two services using different intermediate stopping places especially as they must in any case possess <u>joint terminal facilities</u>".

Pierrepont Moffat

E COUNSELOR OF THE DEPARTMENT OF STATE
WASHINGTON

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, $300

Secretary to Colonel Roosevelt

DEPARTMENT OF STATE

THE COUNSELOR

April 7, 1938.

Attention of Secretary to Colonel Roosevelt:

This morning Mr. R. Walton Moore in the State Department sent a letter to Colonel Roosevelt regarding Canton Island and attached a memorandum. Will you please be kind enough to make a correction in the 19th line of the memo -- the word "former" should be changed to "latter". Thank you.

Miss Mullen
Br. 324

BSF: Moore
State

THE COUNSELOR OF THE DEPARTMENT OF STATE

WASHINGTON

February 8, 1939.

Dear Mr. President:

Your letter to Judge Roberts is fine and ought to have an excellent effect, particularly in Virginia.

While the Virginia Senators claim to be Jeffersonian Democrats, they apparently are not in accord with the view expressed by Jefferson in a letter to Gallatin relative to Senate action on appointments, as see the enclosure herewith. You will notice from the other enclosure Alexander Hamilton agreed with Jefferson.

I have been intimate with Senator Glass for many years; was his deskmate in the Constitutional Convention of Virginia; and subsequently served with him in Congress after he was appointed to the Senate, and deeply regret that he becomes more autocratic and bitter with the advance of years as evidenced by the fierce and heartless spirit he has shown in the present case. To him might be applied the lines which John Quincy Adams when a member of the House used in a debate with another Virginian, John Randolph of Roanoke. Randolph having made some vituperative observations, Adams pointing his finger at him quoted from Ovid:

"Pallid is his face,
Gaunt is his body,
His breast is green with gall,
His tongue drips poison."

The President

The White House.

I am reliably informed that the public interests will not be affected by any delay in appointing a successor to Roberts, and venture to suggest that great care should be taken in selecting a high class lawyer of irreproachable character who is friendly to the Administration.

Yours very sincerely,

Rivington Moon

(Enclosure to letter from R. Walton Moore to The President)

Alexander Hamilton wrote on March 11, 1788:

"It will be the office of the President to nominate, and, with the advice and consent of the Senate, to appoint. There will, of course, be no exertion of choice on the part of the Senate. They may defeat one choice of the Executive, and oblige him to make another; but they cannot themselves choose - they can only ratify or reject the choice of the President. They might even entertain a preference to some other person, at the very moment they were assenting to the one proposed, because there might be no positive ground of opposition to him; and they could not be sure, if they withheld their assent, that the subsequent nomination would fall upon their own favorite, or upon any other person in their estimation more meritorious than the one rejected. Thus it could hardly happen, that the majority of the Senate would feel any other complacency towards the object of an appointment than such as the appearances of merit might inspire, and the proofs of the want of it destroy." (Federalist: Lodge, The Works of Alexander Hamilton, XII, 167)

(Enclosure to letter from R. Walton Moore to The President)

President Jefferson wrote to the Secretary of the Treasury, Albert Gallatin, on February 10, 1803:

"I have always considered the controul of the Senate as meant to prevent any bias or favoritism in the President towards his own relations, his own religion, towards particular states &c. and perhaps to keep very abnoxious persons out of offices of the first grade. But in all subordinate cases I have ever thought that the selection made by the President ought to inspire a general confidence that it has been made on due inquiry and investigation of character, and that the Senate should interpose their negative only in those particular cases where something happens to be within their knowlege, against the character of the person and unfitting him for the appointment."
(Ford, The Writings of Thomas Jefferson, VIII, 211)

VSF, State Moore

Washington, D. C.

February 14, 1939.

Since there has been considerable discussion of the question of rotation in the office of President, I have had a careful investigation made with the result of the attached memorandum being prepared, which I believe sets forth more fully than any previous compilation what has been done and said relative to that question.

As appears from his statement cited on page 11 of the memorandum it is not true, as often assumed, that General Washington was opposed to the President filling more than two terms. It is altogether probable that, except for realizing the failure of his physical and mental strength, he would have consented to remain in office for more than two terms.

It seems very clear that the custom which has been observed had its genesis with Jefferson, who was influenced by his fear that a monarchy might be substituted for our system of government. This view is supported by several statements of his cited in the memorandum. Even so, I do not feel certain that Jefferson would have declined to accede to the strong desire that he should serve for a third term, but for being so greatly worn by his long political service he felt unequal to the task of carrying on. It is

interesting

interesting to note that in initiating what became a custom he had to combat the views of many strong statesmen.

In recent times no one has more convincingly argued against rigid and blind adherence to the custom than Senator Borah, who is quoted on pages 25 and 29 of the memorandum.

The logic of the contention that an individual should not serve for more than two terms might actually lead to the overthrow of our institutions, the very thing feared by Jefferson. It is at least conceivable, though not likely, that there would in some given case be an irrestibile necessity for the service of a man who had already been in office two terms.

This little summary has exclusive reference to the historical aspect of the question and not to the manner in which it may be dealt with in any particular case.

Rwalton Moore

THE THIRD TERM QUESTION, 1787-1928

		Page
1.	Statements by Delegates to the Constitutional Convention of 1787	
	James Wilson	1,2
	James Madison	1,3
	Roger Sherman	1,3
	George Mason	1,3,8
	Gouverneur Morris	1,3
	Rufus King	2
	Hugh Williamson	2
	Oliver Ellsworth	2
	Charles Pinckney	3
	Luther Martin	4
	Charles Cotesworth Pinckney	4
	Alexander Hamilton	5
	Edmund Randolph	9
	William R. Davie	9
	Benjamin Franklin	9,10
2.	Constitutional Amendments Proposed by State Ratifying Conventions, 1788	10
3.	George Washington's Attitude	11
4.	Thomas Jefferson's Attitude	15
5.	Proposed Constitutional Amendment, 1824	19
6.	Proposed Constitutional Amendment, 1826	19
7.	James Buchanan, February 6, 1829	20
8.	Andrew Jackson, December 6, 1830	20
9.	John Quincy Adams, April 30, 1839	21
10.	William Henry Harrison, March 4, 1841	21
11.	Ulysses S. Grant, 1875	22
12.	Resolution of the House of Representatives, December 15, 1875	22
13.	Rutherford B. Hayes, March 5, 1877	22
14.	Ulysses S. Grant, March 25, 1880	22
15.	Resolution of the Republican Anti-Third Term Convention, St. Louis, Missouri, May 6, 1880	23
16.	Grover Cleveland, August 18, 1884	24
17.	Platform of the Democratic Party, 1896	24
18.	Benjamin Harrison, 1897	24
19.	William McKinley, June 10, 1901	25
20.	Theodore Roosevelt, November 1904	25

Page

21. Platform of the Democratic Party, 1912..... 25

22. William E. Borah, August 20, 1912..... 25

23. Proposed Constitutional Amendment, February 1, 1913.. 27

24. Woodrow Wilson, February 5, 1913..... 27

25. Theodore Roosevelt, 1913..... 28

26. William Howard Taft, 1915..... 29

27. William E. Borah, February 7, 9, 10, 1928..... 29

28. Joseph T. Robinson, February 10, 1928..... 31

29. Resolution of the Senate, February 10, 1928..... 31

THE THIRD TERM QUESTION, 1787-1928

1. STATEMENTS BY DELEGATES TO THE CONSTITUTIONAL CONVENTION OF 1787

JAMES WILSON, June 1, 1787.
Rendering the executive ineligible [is] an infringement of the right of election. (Hamilton's notes, House Document 398, 69th Congress, 1st session, 914)

JAMES MADISON, June 1, 1787.
Mr. Maddison observed that to prevent a Man from holding an Office longer than he ought, he may for mal-practice be impeached and removed; - he is not for any ineligibility. (Pierce's notes, ibid., 91)

ROGER SHERMAN, June 1, 1787.
Mr. Sherman was for three years, and agst. the doctrine of rotation as throwing out of office the men best qualifyed to execute its duties. (Madison's notes, ibid., 135)

GEORGE MASON, June 1, 1787.
Mr. Mason was ... for prohibiting a re-eligibility as the best expedient both for preventing the effect of a false complaisance on the side of the Legislature towards unfit characters; and a temptation on the side of the Executive to intrigue with the Legislature for a re-appointment. (Madison's notes, ibid., 135)

GOUVERNEUR MORRIS, July 17, 1787.
Mr. Govr. Morris espoused the motion. The ineligibility proposed by the clause as it stood tended to destroy the great motive to good behavior, the hope of being rewarded by a re-appointment. It was saying to him, make hay while the sun shines. (Madison's notes, ibid., 396)

GOUVERNEUR MORRIS, July 19, 1787.
He finds too that the Executive is not to be re-eligible. What effect will this have? 1. it will destroy the great incitement to merit public esteem by taking away the hope of being rewarded with a reappointment. It may give a dangerous turn to one of the strongest passions in the human breast. The love of fame is the great spring to noble & illustrious actions. Shut the Civil road to Glory & he may be compelled to seek it by the sword. 2. It will tempt him to make the most of the short space of time allotted him, to accumulate wealth and provide for his friends. 3. It will produce violations of the very constitution it is meant to secure. In moments of pressing danger the tried abilities and established character of a favorite Magistrate will prevail over respect for the forms of the Constitution. (Madison's notes, ibid., 409)

RUFUS KING

RUFUS KING, July 19, 1787.

Mr. King did not like the ineligibility. He thought there was great force in the remark of Mr. Sherman, that he who has proved himself to be most fit for an Office, ought not to be excluded by the constitution from holding it. He would therefore prefer any other reasonable plan that could be substituted. He was much disposed to think that in such cases the people at large would chuse wisely. (Madison's notes, ibid., 412)

HUGH WILLIAMSON, July 24, 1787.

Mr. Williamson was for going back to the original ground; to elect the Executive for 7 years and render him ineligible a 2d. time. ... He will spare no pains to keep himself in for life, and will then lay a train for the succession of his children. It was pretty certain he thought that we should at some time or other have a King; but he wished no precaution to be omitted that might postpone the event as long as possible. - Ineligibility a 2d. time appeared to him to be the best precaution. With this precaution he had no objection to a longer term than 7 years. He would go as far as to 10 or 12 years. (Madison's notes, ibid., 442-443)

OLIVER ELLSWORTH, July 24, 1787.

The Executive he thought should be reelected if his conduct proved him worthy of it. And he will be more likely to render himself, worthy of it if he be rewardable with it. The most eminent characters also will be more willing to accept the trust under this condition, than if they foresee a necessary degradation at a fixt period. (Madison's notes, ibid., 444)

JAMES WILSON, July 24, 1787.

It seemed to be supposed that at a certain advance in life, a continuance in office would cease to be agreeable to the officer, as well as desirable to the public. Experience had shewn in a variety of instances that both a capacity & inclination for public service existed - in very advanced stages. He mentioned the instance of a Doge of Venice who was elected after he was 80 years of age. The popes have generally been elected at very advanced periods, and yet in no case had a more steady or a better concerted policy been pursued than in the Court of Rome. If the Executive should come into office at 35. years of age, which he presumes may happen & his continuance should be fixt at 15 years. at the age of 50. in the very prime of life, and with all the aid of experience, he must be cast aside like a useless hulk. What an irreparable loss would the British Jurisprudence have sustained, had the age of 50. been fixt there as the ultimate limit of capacity or readiness to serve the public. The great luminary [L. Mansfield] held his seat for thirty years after his arrival at that age. (Madison's notes, ibid., 444-445)

GOUVERNEUR MORRIS

GOUVERNEUR MORRIS, July 24, 1787.
In order to get rid of the dependence of the Executive on the Legislature, the expedient of making him ineligible a 2d. time had been devised. This was as much as to say we shd. give him the benefit of experience, and then deprive ourselves of the use of it. But make him ineligible a 2d. time - and prolong his duration even to 15-years, will he by any wonderful interposition of providence at that period cease to be a man? No he will be unwilling to quit his exaltation, the road to his object thro' the Constitution will be shut; he will be in possession of the sword, a civil war will ensue, and the Commander of the victorious army on which ever side, will be the despot of America. (Madison's notes, ibid., 446-447)

GEORGE MASON, July 26, 1787.
He conceived at the same time that a second election ought to be absolutely prohibited. Having for his primary object, for the pole-star of his political conduct, the preservation of the rights of the people, he held it as an essential point, as the very palladium of Civil liberty, that the great officers of State, and particularly the Executive should at fixed periods return to that mass from which they were at first taken, in order that they may feel & respect those rights & interests, which are again to be personally valuable to them. (Madison's notes, ibid., 457)

[On September 4 and 5, 1787 the Convention discussed a committee proposal, which later became a part of the Constitution, for election of the Executive by electors, with no prohibition of reelection.]

ROGER SHERMAN, September 4, 1787.
Mr. Sherman said the object of this clause of the report of the Committee was to get rid of the ineligibility, which was attached to the mode of election by the Legislature, & to render the Executive independent of the Legislature. (Madison's notes, ibid., 662)

GOUVERNEUR MORRIS, September 4, 1787.
Mr. Govr. Morris said he would give the reasons of the Committee and his own. The 1st. was the danger of intrigue & faction if the appointmt. should be made by the Legislature. 2. the inconveniency of an ineligibility required by that mode in order to lessen its evils. (Madison's notes, ibid., 662)

CHARLES PINCKNEY, September 5, 1787.
Mr. Pinkney renewed his opposition to the mode, arguing ... This change in the mode of election was meant to get rid of the ineligibility of the President a second time, whereby he will become fixed for life under the auspices of the Senate. (Madison's notes, ibid., 668)

JAMES MADISON, in a letter to Thomas Jefferson, October 24, 1787.
As to the duration in office, a few would have preferred a tenure during good behaviour - a considerable number would have done so in case an easy & effectual removal by impeachment could be settled. It was much agitated whether a long term, seven years for example, with a subsequent & perpetual ineligibility, or a short term with a capacity to be re-elected,

should

should be fixed. In favor of the first opinion were urged the danger of a gradual degeneracy of re-elections from time to time, into first a life and then a hereditary tenure, and the favorable effect of an incapacity to be reappointed on the independent exercise of the Executive authority. On the other side it was contended that the prospect of necessary degradation would discourage the most dignified characters from aspiring to the office, would take away the principal motive to ye. faithful discharge of its duties - the hope of being rewarded with a reappointment would stimulate ambition to violent efforts for holding over the Constitutional term - and instead of producing an independent administration, and a firmer defence of the constitutional rights of the department, would render the officer more indifferent to the importance of a place which he would soon be obliged to quit forever, and more ready to yield to the encroachmts. of the Legislature of which he might again be a member. (Hunt, The Writings of James Madison, V, 21)

LUTHER MARTIN, in the Maryland House of Delegates, November 29, 1787.

There was a party who attempted to have the President appointed during good behaviour, without any limitation as to time; and, not being able to succeed in that attempt, they then endeavoured to have him reëligible without any restraint. It was objected, that the choice of a President to continue in office during good behaviour, would be at once rendering our system an elective monarchy; and, that if the President was to be reëligible without any interval of disqualification, it would amount nearly to the same thing; since with the powers that the President is to enjoy, and the interests and influence with which they will be attended, he will be almost absolutely certain of being reëlected, from time to time, as long as he lives. As the propositions were reported by the committee of the whole House, the President was to be chosen for seven years, and not to be eligible, at any time after. In the same manner the proposition was agreed to in convention, and so it was reported by the committee of detail, although a variety of attempts were made to alter that part of the system, by those who were of a contrary opinion, in which they repeatedly failed; but, Sir, by never losing sight of their object, and choosing a proper time for their purpose, they succeeded at length in obtaining the alteration, which was not made until within the last twelve days before the convention adjourned. (Farrand, The Records of the Federal Convention of 1787, III, 216)

CHARLES COTESWORTH PINCKNEY, in the South Carolina Convention, January 18, 1788.

He said, that the time for which the President should hold his office, and whether he should be reëligible, had been fully discussed in the Convention. It had been once agreed to by a majority, that he should hold his office for the term of seven years, but should not be reëlected a second time. But upon reconsidering that article, it was thought that to cut off all hopes from a man of serving again in that elevated station, might render him dangerous, or perhaps indifferent to the faithful discharge of his duty. His term of service might expire during the raging of war, when he might, perhaps, be the most capable man in America to conduct it; and would it be

wise

wise and prudent to declare in our Constitution that such a man should not again direct our military operations, though our success might be owing to his abilities? The mode of electing the President rendered undue influence almost impossible; and it would have been imprudent in us to have put it out of our power to reëlect a man whose talents, abilities, and integrity, were such as to render him the object of the general choice of his country. (Elliot, The Debates in the Several State Conventions on the Adoption of the Federal Constitution, IV, 315)

ALEXANDER HAMILTON, in the New York Packet, March 21, 1788.

With a positive duration of considerable extent, I connect the circumstance of reëligibility. The first is necessary to give to the officer himself the inclination and the resolution to act his part well, and to the community time and leisure to observe the tendency of his measures, and thence to form an experimental estimate of their merits. The last is necessary to enable the people, when they see reason to approve of his conduct, to continue him in his 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.

Nothing appears more plausible at first sight, nor more ill-founded upon close inspection, than a scheme which in relation to the present point has had some respectable advocates, - I mean that of continuing the chief magistrate in office for a certain time, and then excluding him from it, either for a limited period or forever after. This exclusion, whether temporary or perpetual, would have nearly the same effects, and these effects would be for the most part rather pernicious than salutary.

One ill effect of the exclusion would be a diminution of the inducements to good behavior. There are few men who would not feel much less zeal in the discharge of a duty, when they were conscious that the advantages of the station with which it was connected must be relinquished at a determinate period, than when they were permitted to entertain a hope of obtaining, by meriting, a continuance of them. This position will not be disputed so long as it is admitted that the desire of reward is one of the strongest incentives of human conduct; or that the best security for the fidelity of mankind is to make their interest coincide with their duty. Even the love of fame, the ruling passion of the noblest minds, which would prompt a man to plan and undertake extensive and arduous enterprises for the public benefit, requiring considerable time to mature and perfect them, if he could flatter himself with the prospect of being allowed to finish what he had begun, would, on the contrary, deter him from the undertaking, when he foresaw that he must quit the scene before he could accomplish the work, and must commit that, together with his own reputation, to hands which might be unequal or unfriendly to the task. The most to be expected from the generality of men, in such a situation, is the negative merit of not doing harm, instead of the positive merit of doing good.

Another

Another ill effect of the exclusion would be the temptation to sordid views, to peculation, and, in some instances, to usurpation. An avaricious man, who might happen to fill the office, looking forward to a time when he must at all events yield up the emoluments he enjoyed, would feel a propensity, not easy to be resisted by such a man, to make the best use of the opportunity he enjoyed while it lasted, and might not scruple to have recourse to the most corrupt expedients to make the harvest as abundant as it was transitory; though the same man, probably, with a different prospect before him, might content himself with the regular perquisites of his situation, and might even be unwilling to risk the consequences of an abuse of his opportunities. His avarice might be a guard upon his avarice. Add to this that the same man might be vain or ambitious, as well as avaricious. And if he could expect to prolong his honors by his good conduct, he might hesitate to sacrifice his appetite for them to his appetite for gain. But with the prospect before him of approaching an inevitable annihilation, his avarice would be likely to get the victory over his caution, his vanity, or his ambition.

An ambitious man, too, when he found himself seated on the summit of his country's honors, when he looked forward to the time at which he must descend from the exalted eminence for ever, and reflected that no exertion of merit on his part could save him from the unwelcome reverse; such a man, in such a situation, would be much more violently tempted to embrace a favorable conjuncture for attempting the prolongation of his power, at every personal hazard, than if he had the probability of answering the same end by doing his duty.

Would it promote the peace of the community, or the stability of the government to have half a dozen men who had had credit enough to be raised to the seat of the supreme magistracy, wandering among the people like discontented ghosts, and sighing for a place which they were destined never more to possess?

A third ill effect of the exclusion would be, the depriving the community of the advantage of the experience gained by the chief magistrate in the exercise of his office. That experience is the parent of wisdom, is an adage the truth of which is recognized by the wisest as well as the simplest of mankind. What more desirable or more essential than this quality in the governors of nations? Where more desirable or more essential than in the first magistrate of a nation? Can it be wise to put this desirable and essential quality under the ban of the Constitution, and to declare that the moment it is acquired, its possessor shall be compelled to abandon the station in which it was acquired, and to which it is adapted? This, nevertheless, is the precise import of all those regulations which exclude men from serving their country, by the choice of their fellow-citizens, after they have by a course of service fitted themselves for doing it with a greater degree of utility.

A fourth ill effect of the exclusion would be the banishing men from stations in which, in certain emergencies of the state, their presence might be of the greatest moment to the public interest or safety. There is no nation which has not, at one period or another, experienced an absolute necessity

of

of the services of particular men in particular situations; perhaps it would not be too strong to say, to the preservation of its political existence. How unwise, therefore, must be every such self-denying ordinance as serves to prohibit a nation from making use of its own citizens in the manner best suited to its exigencies and circumstances! Without supposing the personal essentiality of the man, it is evident that a change of the chief magistrate, at the breaking out of a war, or at any similar crisis, for another, even of equal merit, would at all times be detrimental to the community, inasmuch as it would substitute inexperience to experience, and would tend to unhinge and set afloat the already settled train of the administration.

A fifth ill effect of the exclusion would be, that it would operate as a constitutional interdiction of stability in the administration. By necessitating a change of men, in the first office of the nation, it would necessitate a mutability of measures. It is not generally to be expected, that men will vary and measures remain uniform. The contrary is the usual course of things. And we need not be apprehensive that there will be too much stability, while there is even the option of changing; nor need we desire to prohibit the people from continuing their confidence where they think it may be safely placed, and where, by constancy on their part, they may obviate the fatal inconveniences of fluctuating councils and a variable policy.

These are some of the disadvantages which would flow from the principle of exclusion. They apply most forcibly to the scheme of a perpetual exclusion; but when we consider that even a partial exclusion would always render the readmission of the person a remote and precarious object, the observations which have been made will apply nearly as fully to one case as to the other.

What are the advantages promised to counterbalance these disadvantages? They are represented to be: 1st, greater independence in the magistrate; 2d, greater security to the people. Unless the exclusion be perpetual, there will be no pretence to infer the first advantage. But even in that case, may he have no object beyond his present station, to which he may sacrifice his independence? May he have no connections, no friends, for whom he may sacrifice it? May he not be less willing, by a firm conduct, to make personal enemies, when he acts under the impression that a time is fast approaching, on the arrival of which he not only MAY, but MUST, be exposed to their resentments, upon an equal, perhaps upon an inferior, footing? It is not an easy point to determine whether his independence would be most promoted or impaired by such an arrangement.

As to the second supposed advantage, there is still greater reason to entertain doubts concerning it. If the exclusion were to be perpetual, a man of irregular ambition, of whom alone there could be reason in any case to entertain apprehension, would, with infinite reluctance, yield to the necessity of taking his leave forever of a post in which his passion for power and preëminence had acquired the force of habit. And if he had been fortunate or adroit enough to conciliate the good-will of the people, he might induce them

to

to consider as a very odious and unjustifiable restraint upon themselves, a provision which was calculated to debar them of the right of giving a fresh proof of their attachment to a favorite. There may be conceived circumstances in which this disgust of the people, seconding the thwarted ambition of such a favorite, might occasion greater danger to liberty, than could ever reasonably be dreaded from the possibility of a perpetuation in office, by the voluntary suffrages of the community, exercising a constitutional privilege.

There is an excess of refinement in the idea of disabling the people to continue in office men who had entitled themselves, in their opinion, to approbation and confidence; the advantages of which are at best speculative and equivocal, and are overbalanced by disadvantages far more certain and decisive. (Lodge, The Federalist, No. LXXII, 451-455)

GEORGE MASON, in the Virginia Convention, June 17, 1788.

The President is elected without rotation. It may be said that a new election may remove him, and place another in his stead. If we judge from the experience of all other countries, and even our own, we may conclude that, as the President of the United States may be reëlected, so he will. How is it in every government where rotation is not required? Is there a single instance of a great man not being reëlected? Our governor is obliged to return, after a given period, to a private station. It is so in most of the states. This President will be elected time after time: he will be continued in office for life. If we wish to change him, the great powers in Europe will not allow us. ...

Will not the great powers of Europe, as France and Great Britain, be interested in having a friend in the President of the United States? and will they not be more interested in his election than in that of the king of Poland? The people of Poland have a right to displace their king. But do they ever do it? No. Prussia and Russia, and other European powers, would not suffer it. This clause will open a door to the dangers and misfortunes which the people of Poland undergo. The powers of Europe will interpose, and we shall have a civil war in the bowels of our country, and be subject to all the horrors and calamities of an elective monarchy. This very executive officer may, by consent of Congress, receive a stated pension from European potentates. This is not an idea altogether new in America. It is not many years ago - since the revolution - that a foreign power offered emoluments to persons holding offices under our government. It will, moreover, be difficult to know whether he receives emoluments from foreign powers or not. The electors, who are to meet in each state to vote for him, may be easily influenced. To prevent the certain evils of attempting to elect a new President, it will be necessary to continue the old one. The only way to alter this would be to render him ineligible after a certain number of years, and then no foreign nation would interfere to keep in a man who was utterly ineligible. Nothing is so essential to the preservation of a republican government as a periodical rotation. Nothing so strongly impels a man to regard the interest of his constituents as the certainty of returning to the general mass of the people, from whence he was taken, where he must participate their burdens. It is a great defect in the

Senate

Senate that they are not ineligible at the end of six years. The biennial exclusion of one third of them will have no effect, as they can be reëlected. Some stated time ought to be fixed when the President ought to be reduced to a private station. I should be contented that he might be elected for eight years; but I would wish him to be capable of holding the office only eight years out of twelve or sixteen years. But, as it now stands, he may continue in office for life; or, in other words, it will be an elective monarchy. (Elliot, op. cit., III, 484-485)

EDMUND RANDOLPH, in the Virginia Convention, June 17, 1788.

I will acknowledge that, at one stage of this business, I had embraced the idea of the honorable gentleman, that the reëligibility of the President was improper. But I will acknowledge that, on a further consideration of the subject, and attention to the lights which were thrown upon it by others, I altered my opinion of the limitation of his eligibility. When we consider the advantages arising to us from it, we cannot object to it. That which has produced my opinion against the limitation of his eligibility is this - that it renders him more independent in his place, and more solicitous of promoting the interest of his constituents; for, unless you put it in his power to be reelected, instead of being attentive to their interests, he will lean to the augmentation of his private emoluments. (Ibid., 485-486)

WILLIAM R. DAVIE, in the North Carolina Convention, July 26, 1788.

A dispute arose in the Convention concerning the reëligibility of the President. It was the opinion of the deputation from this state, that he should be elected for five or seven years, and be afterwards ineligible. ... A large and very respectable majority were of the contrary opinion. It was said that such an exclusion would be improper for many reasons; that if an enlightened, upright man had discharged the duties of the office ably and faithfully, it would be depriving the people of the benefit of his ability and experience, though they highly approved of him; that it would render the President less ardent in his endeavors to acquire the esteem and approbation of his country, if he knew that he would be absolutely excluded after a given period; and that it would be depriving a man of singular merit even of the rights of citizenship. It was also said, that the day might come, when the confidence of America would be put in one man, and that it might be dangerous to exclude such a man from the service of his country. (Ibid., IV, 103-104)

BENJAMIN FRANKLIN, letter to the Duc de la Rochefoucauld, October 22, 1788.

Many, if I remember right, were for making the President incapable of being chosen after the first four Years; but a Majority were for leaving the Election free to chuse whom they pleas'd; and it was alledged that such Incapability might tend to make the President less attentive to the duties of his Office, and to the Interests of the People, than he would be if a second Choice depended on their good Opinion of them. (Smyth, The Writings of Benjamin Franklin, IX, 666)

BENJAMIN FRANKLIN

BENJAMIN FRANKLIN, letter to M. Le Veillard, October 24, 1788.
You seem to me to be so apprehensive about our President's being perpetual. Neither he nor we have any such intention. What danger there may be of such an event we are all aware of, and shall take care effectually to prevent it. The choice is from four years to four years; the appointments will be small; thus we may change our President if we don't like his conduct, and he will have less inducement to struggle for a new election. (Ibid., 674)

[Several members of the convention were willing that the president should hold office during good behavior, and Hamilton expressed a preference for life tenure, subject to removal by impeachment. The prevailing sentiment, however, favored a fixed term, and the question narrowed down to a seven-year term without the privilege of re-election or a four-year term with no restriction in the latter respect. At one stage of the discussion the seven-year plan was adopted. But when it became clear that the president was not to be chosen by Congress, the main objection to re-eligibility was removed; and the four-year term was substituted, with no restriction on the number of times that a man might be chosen to the office. (Frederic A. Ogg and P. Orman Ray, Introduction to American Government, 1925 ed., 199)

It is a usage of American government, again, that no one shall serve more than two terms in the White House, but whether this usage has become so strong as to be unbreakable, the future alone can determine. At any rate it is far from what the framers of the constitution intended. (William B. Munro, The Government of the United States, National, State, and Local, 1925 ed., 81)]

2. CONSTITUTIONAL AMENDMENTS PROPOSED BY STATE RATIFYING CONVENTIONS, 1788

VIRGINIA, June 27, 1788.
That no person shall be capable of being President of the United States for more than eight years in any term of sixteen years. (House Document 398, 69th Congress, 1st session, 1032)

NEW YORK, July 26, 1788.
That no Person shall be eligible to the Office of President of the United States a third time. (Ibid., 1042)

NORTH CAROLINA, August 1, 1788.
That no person shall be capable of being president of the United States for more than eight years in any term of sixteen years. (Ibid., 1049)

3. GEORGE WASHINGTON'S ATTITUDE

WASHINGTON, Letter to Lafayette, April 28, 1788.

There are other points in which opinions would be more likely to vary. As for instance, on the ineligibility of the same person for president, after he should have served a certain course of years. Guarded so effectually 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 you, as to the necessity or expediency of rotation in that appointment. The matter was fairly discussed in the convention, and to my full conviction, though I cannot have time or room to sum up the argument in this letter. There cannot in my judgment be the least danger, that the president will by any practicable intrigue ever be able to continue himself one moment in office, much less perpetuate himself in it, but in the last stage of corrupted morals and political depravity; and even then, there is as much danger that any other species of domination would prevail. Though, when a people shall have become incapable of governing themselves, and fit for a master, it is of little consequence from what quarter he comes. Under an extended view of this part of the subject, I can see no propriety in precluding ourselves from the services of any man, who on some great emergency shall be deemed universally most capable of serving the public. (Ford, The Writings of Washington, XI, 257)

WASHINGTON, Memorandum by Jefferson of a Conversation, February 29, 1792.

He [Washington] ... said in an affectionate tone, that he had felt much concern at an expression which dropped from me yesterday, and which marked my intention of retiring when he should. That as to himself, many motives obliged him to it. He had, through the whole course of the war, and most particularly at the close of it, uniformly declared his resolution to retire from public affairs, and never to act in any public office; that he had retired under that firm resolution: that the government, however, which had been formed, being found evidently too inefficacious, and it being supposed that his aid was of some consequence towards bringing the people to consent to one of sufficient efficacy for their own good, he consented to come into the convention, and on the same motive, after much pressing, to take a part in the new government, and get it under way. That were he to continue longer, it might give room to say, that having tasted the sweets of office, he could not do without them: that he really felt himself growing old, his bodily health less firm, his memory, always bad, becoming worse, and perhaps the other faculties of his mind showing a decay to others of which he was insensible himself; that this apprehension particularly oppressed him: that he found, moreover, his activity lessened, business therefore more irksome, and tranquility and retirement become an irresistible passion. (Washington, The Writings of Thomas Jefferson, IX, 102)

WASHINGTON,

WASHINGTON, Letter to Madison, May 20, 1792.

I have not been unmindful of the sentiments expressed by you in the conversations just alluded to:--on the contrary I have again, and again revolved them with thoughtful anxiety; but without being able to dispose my mind to a longer continuation in the office I now have the honor to hold.--I therefore still look forward to the fulfilment of my fondest and most ardent wishes to spend the remainder of my days (which I cannot expect will be many) in ease and tranquillity.

Nothing short of conviction that my derilictions of the Chair of Government (if it should be the desire of the people to continue me in it) would involve the Country in serious disputes respecting the chief Magestrate, and the disagreeable consequences which might result there from in the floating and divided opinions which seem to prevail at present, could, in any wise, induce me to relinquish the determination I have formed: and of this I do not see how any evidence can be obtained previous to the Election. My vanity, I am sure is not of that cast to allow me to view the subject in this light.

Under these impressions then, permit me to reiterate the request I made to you at our last meeting--namely, to think of the proper time, and the best mode of announcing the intention; and that you would prepare the latter.--In revolving this subject myself, my judgment has always been embarrassed.--On the one hand, a previous declaration to retire, not only carries with it the appearance of vanity and self-importance, but it may be construed into a manoeuvre to be invited to remain.--And on the other hand, to say nothing, implys consent; or, at any rate, would leave the matter in doubt; and to decline afterwards might be deemed as bad, and uncandid. ...

I will, without apology, desire (if the measure in itself should strike you as proper, and likely to produce public good, or private honor) that you would turn your thoughts to a valedictory address from me to the public, expressing in plain and modest terms, that having been honored with the Presidential chair, and to the best of my abilities contributed to the organization and administration of the government--that having arrived at a period of life when the private walks of it, in the shade of retirement, becomes necessary and will be most pleasing to me;--and the spirit of the government may render a rotation in the elective officers of it more congenial with their ideas of liberty and safety, that I take my leave of them as a public man. (Ford, The Writings of Washington, XII, 123-126)

WASHINGTON, Farewell Address, September 17, 1796.

The period for a new election of a citizen to administer the Executive Government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should not apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made. ...

The

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonished me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it. (Richardson, Messages and Papers of the Presidents, I, 213-214)

WASHINGTON, Letter to Jonathan Trumbull, July 21, 1799.

It would be matter of sore regret to me, if I could believe that a serious thought was turned towards me as his [Adams] successor, not only as it respects my ardent wishes to pass through the vale of life in retirement, undisturbed in the remnant of the days I have to sojourn here, unless called upon to defend my country (which every citizen is bound to do), but on public ground also; for, although I have abundant cause to be thankful for the good health with which I am blessed, yet I am not insensible to my declination in other respects. It would be criminal, therefore, in me, although it would be the wish of my countrymen, and I could be elected, to accept an office under this conviction, which another would discharge with more ability; and this, too, at a time when I am thoroughly convinced I should not draw a single vote from the anti-Federal side, and, of course, should stand upon no other ground than any other Federal character well supported; and, when I should become a mark for the shafts of envenomed malice and the basest calumny to fire at, - when I should be charged not only with irresolution, but with concealed ambition, which waits only an occasion to blaze out, - and, in short, with dotage and imbecility.

All

All this, I grant, ought to be like dust in the balance, when put in competition with a great public good, when the accomplishment of it is apparent. But, as no problem is better defined in my mind than that principle, not men, is now, and will be, the object of contention; and that I could not obtain a solitary vote from that party; that any other respectable Federal character would receive the same suffrages that I should; that at my time of life (verging towards threescore and ten) I should expose myself, without rendering any essential service to my country, or answering the end contemplated; prudence on my part must arrest any attempt of the well-meant but mistaken views of my friends to introduce me again into the chair of government. (Ford, The Writings of George Washington, XIV, 191-192)

[This "third term doctrine," as it is called, is supposed to rest upon the example set by Washington in declining reëlection at the expiration of eight years' service. Tradition has it that Washington acted on principle, but this seems to have slight historical foundation. He did not share Jefferson's decided ideas on rotation in office, and there is apparently no reason for believing that he objected to a President's serving three terms or more. In fact, his farewell address is filled with reasonable excuses why he in particular ought not to be charged with lack of patriotism or neglect of duty in refusing to serve for another term. Jefferson originally believed that the President should have been given a seven years' term, and then made ineligible for reëlection. Later, however, he came to the conclusion that service for eight years with the possibility of removal at the end of four years was nearer the ideal arrangement. He, accordingly, followed the example set by Washington, and thus the third term doctrine early received such high sanction that it became a political dogma almost as inviolable as an express provision of the Constitution. (Beard, American Government and Politics, 1914 ed., page 184)]

4. THOMAS JEFFERSON'S ATTITUDE

JEFFERSON, Letter to Madison, December 20, 1787.

The second feature [of the proposed constitution] I dislike, and strongly dislike, is the abandonment, in every instance of the principle of rotation in office, and most particularly in the case of the President. Reason and experience tell us, that the first magistrate will always be reelected if he may be re-elected. He is then an officer for life. This once observed, it becomes of so much consequence to certain nations, to have a friend or a foe at the head of our affairs, that they will interfere with money and with arms. A Galloman, or an Angloman, will be supported by the nation he befriends. If once elected, and at a second or third election out-voted by one or two votes, he will pretend false votes, foul play, hold possession of the reigns of government, be supported by the States voting for him, especially if they be the central ones, lying in a compact body themselves, and separating their opponents; and they will be aided by one nation in Europe, while the majority are aided by another. The election of a President of America, some years hence, will be much more interesting to certain nations of Europe, than ever the election of a King of Poland was. Reflect on all the instances in history, ancient and modern, of elective monarchies, and say if they do not give foundation for my fears; the Roman Emperors, the Popes while they were of any importance, the German Emperors till they became hereditary in practice, the Kings of Poland, the Deys of the Ottoman dependencies. It may be said, that if elections are to be attended with these disorders, the less frequently they are repeated the better. But experience says, that to free them from disorder, they must be rendered less interesting by a necessity of change. No foreign power, nor domestic party, will waste their blood and money to elect a person, who must go out at the end of a short period. The power of removing every fourth year by the vote of the people, is a power which they will not exercise, and if they were disposed to exercise it, they would not be permitted. The King of Poland is removable every day by the diet. But they never remove him. Nor would Russia, the Emperor, &c., permit them to do it. (Washington, The Writings of Thomas Jefferson, II, 330-331)

JEFFERSON, Letter to A. Donald, February 7, 1788.

There is another strong feature in the new constitution, which I as strongly dislike. That is, the perpetual re-eligibility of the President. Of this I expect no amendment at present, because I do not see that anybody has objected to it on your side the water. But it will be productive of cruel distress to our country, even in your day and mine. The importance to France and England, to have our government in the hands of a friend or a foe, will occasion their interference by money, and even by arms. Our President will be of much more consequence to them than a King of Poland. We must take care, however, that neither this, nor any other objection to the new form, produces a schism in our Union. (Ibid., 355-356)

JEFFERSON,

JEFFERSON, Letter to George Washington, May 2, 1788.
There are two things however which I dislike strongly. 1. The want of a declaration of rights. I am in hopes the opposition of Virginia will remedy this, & produce such a declaration. 2. The perpetual re-eligibility of the President. This I fear will make an office for life first, & then hereditary. I was much an enemy to monarchy before I came to Europe. I am ten thousand times more so since I have seen what they are. There is scarcely an evil known in these countries which may not be traced to their king as it's source, nor a good which is not derived from the small fibres of republicanism existing among them. I can further say with safety there is not a crowned head in Europe whose talents or merit would entitle him to be elected a vestryman by the people of any parish in America. However I shall hope that before there is danger of this change taking place in the office of President, the good sense & free spirit of our countrymen will make the changes necessary to prevent it. (Ford, The Writings of Thomas Jefferson, V, 8)

JEFFERSON, Letter to Edward Carrington, May 27, 1788.
The 2d amendment which appears to me essential is the restoring the principle of necessary rotation particularly to the Senate & Presidency: but most of all to the last. Re-eligibility makes him an officer for life, and the disastors inseparable from an elective monarchy, render it preferable, if we cannot tread back that step, that we should go forward & take refuge in an hereditary one. Of the correction of this Article however I entertain no present hope, because I find it has scarcely excited an objection in America. And if it does not take place ere long, it assuredly never will. The natural progress of things is for liberty to yield, & government to gain ground. As yet our spirits are free. Our jealousy is only put to sleep by the unlimited confidence we all repose in the person to whom we all look as our president. After him inferior characters may perhaps succeed and awaken us to the danger which his merit has led us into. (Ibid., 20-21)

JEFFERSON, Letter to Edward Rutledge, July 18, 1788.
I apprehend too that the total abandonment of the principle of rotation in the offices of President & Senator will end in abuse. But my confidence is that there will for a long time be virtue & good sense enough in our countrymen to correct abuses. (Ibid., 42)

JEFFERSON, Letter to Francis Hopkinson, March 13, 1789.
With respect to the re-eligibility of the president, I find myself differing from the majority of my countrymen, for I think there are but three states out of the 11. which have desired an alteration of this. And indeed, since the thing is established, I would wish it not to be altered during the life of our great leader, whose executive talents are superior to those I believe of any man in the world, and who alone by the authority of his name and the confidence reposed in his perfect integrity, is fully qualified to put the new government so under way as to secure it against the efforts of opposition. But having derived from our error all the good there was in it I hope we shall correct it the moment we can no longer have the same name at the helm. (Ibid., 77-78)

JEFFERSON

JEFFERSON, Letter to David Humphreys, March 18, 1789.
The general voice ... has not however authorized me to consider as a real defect what I thought and still think one, the perpetual re-eligibility of the president. But three states out of 11. having declared against this, we must suppose we are wrong according to the fundamental law of every society, the lex majoris partis, to which we are bound to submit. And should the majority change their opinion, & become sensible that this trait in their constitution is wrong, I would wish it to remain uncorrected, as long as we can avail ourselves of the services of our great leader, whose talents and whose weight of character I consider as peculiarly necessary to get the government so under way as that it may afterwards be carried on by subordinate characters. (Ibid., 90-91)

[On December 12, 1803, the Senate of the United States rejected by a vote of four to twenty-five the following proposed amendment to the Constitution: "No person who has been twice successively elected President of the United States shall be eligible as President until four years shall have elapsed: but any citizen who has been President of the United States may, after such intervention, be eligible to the office of President for four years and no longer." (Annals of Congress, 8th Congress, 1st session, 214)]

JEFFERSON, Letter to John Taylor, January 6, 1805.
My opinion originally was that the President of the United States should have been elected for seven years, and forever ineligible afterwards. I have since become sensible that seven years is too long to be irremovable, and that there should be a peaceable way of withdrawing a man in midway who is doing wrong. The service for eight years, with a power to remove at the end of the first four, comes nearly to my principle as corrected by experience; and it is in adherence to that, that I determine to withdraw at the end of my second term. The danger is that the indulgence and attachments of the people will keep a man in the chair after he becomes a dotard, that re-election through life shall become habitual, and election for life follow that. General Washington set the example of voluntary retirement after eight years. I shall follow it. And a few more precedents will oppose the obstacle of habit to any one after awhile who shall endeavor to extend his term. Perhaps it may beget a disposition to establish it by an amendment of the Constitution. I believe I am doing right therefore in pursuing my principle. I had determined to declare my intention, but I have consented to be silent on the opinion of friends, who think it best not to put a continuance out of my power in defiance of all circumstances. There is, however, but one circumstance which could engage my acquiescence in another election; to wit, such a division about a successor, as might bring in a monarchist. But that circumstance is impossible. While, therefore, I shall make no formal declaration to the public of my purpose, I have freely let it be understood in private conversation.
(Washington, The Writings of Thomas Jefferson, IV, 565)

JEFFERSON

JEFFERSON, Letter to the Legislature of Vermont, December 10, 1807.

I received in due season the address of the Legislature of Vermont, bearing date the 5th of November 1806, in which, with their approbation of the general course of my administration, they were so good as to express their desire that I would consent to be proposed again, to the public voice, on the expiration of my present term of office. ...

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 for 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 the second term of office.

Truth, also, requires me to add, that I am sensible of that decline which advancing years bring on; and feeling their physical, I ought not to doubt their mental effect. Happy if I am the first to perceive and to obey this admonition of nature, and to solicit a retreat from cares too great for the wearied faculties of age. (Ibid., VIII, 121)

JEFFERSON, Letter to Henry Guest, January 4, 1809.

I am sensible of the kindness of your rebuke on my determination to retire from office at a time when our country is laboring under difficulties truly great. But if the principle of rotation be a sound one, as I conscientiously believe it to be with respect to this office, no pretext should ever be permitted to dispense with it, because there never will be a time when real difficulties will not exist, and furnish a plausible pretext for dispensation. You suppose I am "in the prime of life for rule." I am sensible I am not; and before I am so far declined as to become insensible of it, I think it right to put it out of my own power. I have the comfort too of knowing that the person whom the public choice has designated to receive the charge from me, is eminently qualified as a safe depository by the endowments of integrity, understanding, and experience. (Lipscomb and Bergh, The Writings of Thomas Jefferson, XII, 224)

JEFFERSON, Letter to James Martin, September 20, 1813.

Your quotation from the former paper alludes, as I presume, to the term of office to our Senate; a term, like that of the judges, too long for my approbation. I am for responsibilities at short periods, seeing neither reason nor safety in making public functionaries independent of the nation for life, or even for long terms of years. On this principle I prefer the Presidential term of four years, to that of seven years, which I myself had at first suggested, annexing to it, however, ineligibility forever after; and I wish it were now annexed to the 2d quadrennial election of President. (Washington, VI, 213)

JEFFERSON, Autobiography.

... the re-eligibility of the President for life, I quite disapproved. ... My fears of that feature were founded on the importance of the office, on the fierce contentions it might excite among ourselves, if continuable 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. Examples of this abounded in history; in the case of the Roman emperors for instance, of the Popes while of any significance, of the German emperors, the Kings of Poland, & the Deys of Barbary. I had observed too in the feudal History, and in the recent instance particularly of the Stadtholder of Holland, how easily offices or tenures for life slide into inheritances. My wish therefore was that the President should be elected for 7. years & be ineligible afterwards. This term I thought sufficient to enable him, with the concurrence of the legislature, to carry thro' & establish any system of improvement he should propose for the general good. But the practice adopted I think is better allowing his continuance for 8. years with a liability to be dropped at half way of the term, making that a period of probation. That his continuance should be restrained to 7. years was the opinion of the Convention at an early stage of it's session, when it voted that term by a majority of 8. against 2. and by a simple majority that he should be ineligible a second time. This opinion &c. 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 only of their session. Of this change three states expressed their disapprobation, N. York by recommending an amendment that the President should not be eligible a third time, and Virginia and N. Carolina that he should not be capable of serving more than 8. in any term of 16. years. And altho's this amendment has not been made in form, yet practice seems to have established it. The example of 4 Presidents voluntarily retiring at the end of their 8th year, & the progress of public opinion that the principle is salutary, have given it in practice the force of precedent & usage; insomuch that should a President consent to be a candidate for a 3d. election, I trust he would be rejected on this demonstration of ambitious views. (Ford, I, 109-111)

5. PROPOSED CONSTITUTIONAL AMENDMENT, 1824

No person, having been twice elected to the office of President, shall again be eligible to that office. (Passed by the Senate, 36 to 3, January 30, 1824. Annals of Congress, 18th Congress, 1st session, 160)

6. PROPOSED CONSTITUTIONAL AMENDMENT, 1826

No person who shall have been elected President of the United States a second time, shall again be eligible to that office. (Passed by the Senate, 32 to 7, April 3, 1826. Register of Debates in Congress, 19th Congress, 1st session, part 1, 19, 407)

7. JAMES BUCHANAN, February 6, 1829

The example of Washington, which has been followed by Jefferson, Madison, and Monroe, has forever determined that no President shall be more than once re-elected. This principle is now become as sacred as if it were written in the constitution. I would incline to leave to the people of the United States, without incorporating it in the constitution, to decide whether a President should serve longer than one term. The day may come, when dangers shall lower over us, and when we may have a President at the helm of State who possesses the confidence of the country, and is better able to weather the storm than any other pilot; shall we, then, under such circumstances, deprive the people of the United States of the power of obtaining his services for a second term? Shall we pass a decree, as fixed as fate, to bind the American people, and prevent them from ever re-electing such a man? I am not afraid to trust them with this power. (Register of Debates in Congress, 20th Congress, 2d session, House of Representatives, 321)

8. ANDREW JACKSON, December 6, 1830

It was a leading object with the framers of the Constitution to keep as separate as possible the action of the legislative and executive branches of the Government. To secure this object nothing is more essential than to preserve the former from all temptations of private interest, and therefore so to direct the patronage of the latter as not to permit such temptations to be offered. Experience abundantly demonstrates that every precaution in this respect is a valuable safeguard of liberty, and one which my reflections upon the tendencies of our system incline me to think should be made still stronger. It was for this reason that, in connection with an amendment of the Constitution removing all intermediate agency in the choice of the President, I recommended some restrictions upon the reeligibility of that officer and upon the tenure of offices generally. The reason still exists, and I renew the recommendation with an increased confidence that its adoption will strengthen those checks by which the Constitution designed to secure the independence of each department of the Government and promote the healthful and equitable administration of all the trusts which it has created. The agent most likely to contravene this design of the Constitution is the Chief Magistrate. In order, particularly, that his appointment may as far as possible be placed beyond the reach of any improper influences; in order that he may approach the solemn responsibilities of the highest office in the gift of a free people uncommitted to any other course than the strict line of constitutional duty, and that the securities for this independence may be rendered as strong as the nature of power and the weakness of its possessor will admit, I can not too earnestly invite your attention to the propriety of promoting such an amendment of the Constitution as will render him ineligible after one term of service. (Second Annual Message to Congress, Richardson, Messages and Papers of the Presidents, II, 519. Similar recommendations were made by President Jackson in his first, third, fourth, fifth and sixth annual messages to Congress.)

9. JOHN QUINCY ADAMS, April 30, 1839

The example of Washington, of retiring from the Presidency after a double term of four years, was followed by Mr. Jefferson, against the urgent solicitations of several state Legislatures. This second example of voluntary self-chastened ambition by the decided approbation of public opinion, has been held obligatory upon their successors, and has become a tacit subsidiary Constitutional law. If not entirely satisfactory to the nation, it is rather by its admitting one re-election, than by its interdicting a second. (Adams, The Jubilee of the Constitution, 115)

10. WILLIAM HENRY HARRISON, March 4, 1841

Of the former [defects of the Constitution] is the eligibility of the same individual to a second term of the Presidency. The sagacious mind of Mr. Jefferson early saw and lamented this error, and attempts have been made, hitherto without success, to apply the amendatory power of the States to its correction. As, however, one mode of correction is in the power of every President, and consequently in mine, it would be useless, and perhaps invidious, to enumerate the evils of which, in the opinion of many of our fellow-citizens, this error of the sages who framed the Constitution may have been the source and the bitter fruits which we are still to gather from it if it continues to disfigure our system. It may be observed, however, as a general remark, that republics can commit no greater error than to adopt or continue any feature in their systems of government which may be calculated to create or increase the love of power in the bosoms of those to whom necessity obliges them to commit the management of their affairs; and surely nothing is more likely to produce such a state of mind than the long continuance of an office of high trust. Nothing can be more corrupting, nothing more destructive of all those noble feelings which belong to the character of a devoted republican patriot. When this corrupting passion once takes possession of the human mind, like the love of gold it becomes insatiable. It is the never-dying worm in his bosom, grows with his growth and strengthens with the declining years of its victim. If this is true, it is the part of wisdom for a republic to limit the service of that officer at least to whom she has intrusted the management of her foreign relations, the execution of her laws, and the command of her armies and navies to a period so short as to prevent his forgetting that he is the accountable agent, not the principal; the servant, not the master. Until an amendment of the Constitution can be effected public opinion may secure the desired object. I give my aid to it by renewing the pledge heretofore given that under no circumstances will I consent to serve a second term. (Richardson, Messages and Papers of the Presidents, IV, 8)

11. ULYSSES S. GRANT, 1875

I am not nor have I ever been a candidate for renomination. I 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. (Coolidge, Ulysses S. Grant, 497)

12. RESOLUTION OF THE HOUSE OF REPRESENTATIVES, December 15, 1875

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. (Adopted 233 to 18, Congressional Record, 44th Congress, 1st session, part 1, 228)

13. RUTHERFORD B. HAYES, March 5, 1877

I recommend an amendment to the Constitution prescribing a term of six years for the Presidential office and forbidding a reelection. (Inaugural Address, Richardson, Messages and Papers of the Presidents, VII, 445)

14. ULYSSES S. GRANT, March 25, 1880

It is a matter of supreme indifference to me whether I am [nominated] or not. There are many persons I would prefer should have the office to myself. I owe so much to the Union men of the country that if they think my chances are better for election than for other probable candidates in case I should decline, I cannot decline if the nomination is tendered without seeking on my part. (Letter to Elihu B. Washburne, Coolidge, Ulysses S. Grant, 541)

15. RESOLUTION OF THE REPUBLICAN ANTI-THIRD TERM CONVENTION, ST. LOUIS, MISSOURI, May 6, 1880

In pursuance of the demand, and representing the convictions of what we believe to be a majority of the Republican party throughout the Union, this Convention of Republicans has assembled for the purpose of declaring those convictions with reference to the present aspect of political affairs. This action is necessary in view of the determined efforts to force upon the party the nomination of a candidate for the Presidency for a third term, in defiance not only of the traditions of the Government, but also of the solemn declarations of the Republican party through its conventions in the largest and controlling Republican States, reaffirmed by its representatives in the popular branch of Congress, and adopted by the entire party in the declarations of its latest Presidential candidate.

We reaffirm our adhesion to the principles of the Republican party as heretofore set forth by its authorized representatives, especially the declarations of the State Republican Convention of New York in 1875, opposing a third term for the President; of Pennsylvania in 1875, and reaffirmed in 1876, to the same effect; of Ohio in 1875; Massachusetts the same year; and of Minnesota and other Republican States, all to the same effect; also by the House of Representatives, in December, 1875, by an overwhelming majority.

We declare that the nomination of a third-term candidate will put the party on the defensive by reviving the memory of the public scandals and official corruptions which brought the party to the verge of ruin. We believe the questions now at issue - finance, tariff, etc. - require a trained statesman for President; and we find additional objection to a third-term candidate in that it would substitute a dangerous tendency to personal government for an unwearied effort for the true reform of civil service, which is vital to the welfare and safety of the republic.

As Republicans, we can not be hero-worshipers, and we demand from a party without a master the nomination of a candidate without a stain.

Resolved, That a National Committee of One Hundred be appointed and instructed, in the event of the nomination of General Grant, to meet in the city of New York, at the call of the chairman of this committee, and there to act in such a manner as they shall then deem best to carry out the spirit and purpose of these resolutions, the said committee to be selected by a committee of thirteen, and published at its earliest convenience. (Appletons' Annual Cyclopaedia, 1880, New Series, Vol. V, 694)

16. GROVER CLEVELAND, August 18, 1884.

When an election to office shall be the selection by the voters of one of their number to assume for a time a public trust, instead of his dedication to the profession of politics; when the holders of the ballot, quickened by a sense of duty, shall avenge truth betrayed and pledges broken, and when the suffrage shall be altogether free and uncorrupted, the full realization of a government by the people will be at hand. And of the means to this end not one would, in my judgment, be more effective than an amendment to the Constitution disqualifying the President from re-election. When we consider the patronage of this great office, the allurements of power, the temptations to retain public place once gained, and, more than all, the availability a party finds in an incumbent whom a horde of office-holders, 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 service, we recognize in the eligibility of the President for re-election a most serious danger to that calm, deliberate, and intelligent political action which must characterize a government by the people. (Letter accepting the Democratic presidential nomination, Parker, The Writings and Speeches of Grover Cleveland, 10-11)

17. PLATFORM OF THE DEMOCRATIC PARTY, 1896

We declare it to be the unwritten law of this Republic, established by custom and usage of one hundred years, and sanctioned by the examples of the greatest and wisest of those who founded and have maintained our Government, that no man should be eligible for a third term of the Presidential office. (Hopkins, Political Parties in the United States, 433)

18. BENJAMIN HARRISON, 1897

The fears of those who said that the power of the office was such as to enable an ambitious incumbent to secure an indefinite succession of terms have not been realized. In practice the popular opinion has limited the eligibility of the President to one re-election. But some of our leading and most thoughtful public men have challenged the wisdom of the four-year term, and have advocated six years, usually accompanied with a prohibition of a second term. And unless some method can be devised by which a less considerable part of the four-year term must be given to hearing applicants for office and to making appointments, it would be wise to give the President, by extending the term, a better chance to show what he can do for the country. It must be admitted, also, that ineligibility to a second term will give to the executive action greater independence. It seems unlikely, however, that any change in the Presidential term will be made unless some unexpected event should stir into action a thought that is now of a theoretical rather than a practical cast. Our people are wisely conservative in the matter of amending the Constitution. (Harrison, This Country of Ours, 72-73)

19. WILLIAM McKINLEY, June 10, 1901

I regret that the suggestion of a third term has been made. I doubt whether I am called upon to give to it notice, but there are new questions of the gravest importance before the administration and the country, and their just consideration should not be prejudiced in the public mind by even the suspicion of the thought of a third term.

In view, therefore, of the reiteration of the suggestion of it I will now say, once for all, expressing a long-settled conviction, that I not only am not and will not be a candidate for a third term, but I would not accept a nomination for it if it were tendered to me.

My only ambition is to serve through my second term to the acceptance of my countrymen, whose generous confidence I so deeply appreciate, and then with them to do my duty in the ranks of private citizenship. (House Report 885, 62d Congress, 2d session, 7)

20. THEODORE ROOSEVELT, November 1904

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. (Theodore Roosevelt, An Autobiography, 387)

21. PLATFORM OF THE DEMOCRATIC PARTY, 1912

We favor a single presidential term, and to that end we urge the adoption of an amendment to the constitution making the president of the United States ineligible for re-election and we pledge the candidate of this convention to this principle. (The Democratic Text-Book, 1912, 14)

22. WILLIAM E. BORAH, August 20, 1912

The people who could be trusted to determine whether or not they desire a President for the second term may also be trusted to determine whether or not they desire a President for a third term. I think they can be trusted to settle both questions in a way to best conserve the interest of the people and the Republic. ... If we believe that the people have the capacity to judge of a man's worth, of his intelligence, of his integrity, of his ability, we will not be uneasy when they come to pass judgment. If we have a lingering belief that the

people

people are unfit to perform this service, we will naturally be vigilant to guard against their performing it. ... Ineligibility, in my judgment, has its real foundation in the fear that the people may not act wisely and may not have the ability and courage to reject bad men. ...

At the time that this matter was under discussion in the convention and when they had agreed upon the proposition that the Presidency should not be a reeligible office, they had agreed, I say, upon the proposition of selecting the President through the Congress. It was believed that a combined intrigue between the legislative department and the Presidency might lead to the continuation of that office to an undue length of time, and without an opportunity for the intervening power of the people in regard to it. The matter went to the committee that was to give final form to the Constitution. This committee conceived the plan of selecting the President through the electoral college, taking it away from the Congress and leaving it indirectly to selection by the people, at least separating the legislative and the executive department with reference to the election.

I think I am perfectly safe in saying that, after the plan of the selection of the President was determined upon as we finally found it in the Constitution - through electors - the proposition of limiting it to a single term no longer received any considerable support in the convention; that after they had eliminated the possibility of intrigue between the two departments it was not urged, and with the exception of two individuals in the convention, I have never been able to find that it was even discussed or mentioned thereafter. I believe that we must come to the conclusion from the convention proceedings that they never contemplated limiting it to a single term after the electoral college was planned. We find, therefore, from the proceedings of the convention that this question was thoroughly discussed, and that, after a full discussion and the electoral college was conceived of, it was finally rejected. ...

If a President has proved himself peculiarly capable of discharging the duties of this high office, has disclosed the judgment, the poise, and the patriotism which we are always anxious to note in the discharge of these duties, it would seem that there would be no necessity for making it impossible for him to continue in the service for such time as the judgment of the great mass of the people thought proper. It is not often that fitness and efficiency are condemned by laws and constitutions. It would seem that unless there be a fear that the people may be unable to determine the question of fitness and efficiency there could be no occasion for this amendment. (Congressional Record, 62d Congress, 2d session, part 11, Senate, 11355-11356)

23. PROPOSED CONSTITUTIONAL AMENDMENT, February 1, 1913

The term of the office of President shall be six years; and no person who has held the office by election, or 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. (Passed by the Senate, 47 to 23, Congressional Record, 62d Congress, 3d session, part 3, 2419-2420)

24. WOODROW WILSON, February 5, 1913

The argument is not that it is clearly known now just how long each President should remain in office. Four years is too long a term for a President who is not the true spokesman of the people, who is imposed upon and does not lead. It is too short a term for a President who is doing, or attempting a great work of reform, and who has not had time to finish it.

To change the term to six years would increase the likelihood of its being too long, without any assurance that it would, in happy cases, be long enough. A fixed constitutional limitation to a single term of office is highly arbitrary and unsatisfactory from every point of view. ...

Put the present customary limitation of two terms into the Constitution, if you do not trust the people to take care of themselves, but make it two terms (not one, because four years is often too long), and give the President a chance to win the full service by proving himself fit for it.

If you wish to learn the result of constitutional ineligibility to re-election, ask any former governor of New Jersey, for example, what the effect is in actual experience. He will tell you how cynically and with what complacence the politicians banded against him waited for the inevitable end of his term to take their chances with his successor. ...

As things stand now the people might more likely be cheated than served by further limitations of the President's eligibility. His fighting power in their behalf would be immensely weakened. No one will fear a President except those whom he can make fear the elections.

We singularly belie our own principles by seeking to determine by fixed constitutional provision what the people shall determine for themselves and are perfectly competent to determine for themselves. We cast a doubt upon the whole theory of popular government.

I believe that we should fatally embarrass ourselves if we made the constitutional change proposed. If we want our Presidents to fight our battles for us, we should give them the means, the legitimate means, the means their opponents will

always

always have. Strip them of everything else but the right to appeal to the people, but leave them that; suffer them to be leaders; absolutely prevent them from being bosses.

We would otherwise appear to be going in two opposite directions. We are seeking in every way to extend the power of the people, but in the matter of the Presidency we fear and distrust the people and seek to bind them hand and foot by rigid constitutional provision. (Baker and Dodd, The Public Papers of Woodrow Wilson, The New Democracy, I, 21-26)

[In 1885 Woodrow Wilson wrote in his Congressional Government, page 255: "Efficiency is the only just foundation for confidence in a public officer, under republican institutions no less than under monarchs; and short terms which cut off the efficient as surely and inexorably as the inefficient are quite as repugnant to republican as to monarchical rules of wisdom. Unhappily, however, this is not American doctrine. A President is dismissed almost as soon as he has learned the duties of his office."]

25. THEODORE ROOSEVELT, 1913

The Presidency is a great office, and the power of the President can be effectively used to secure a renomination, especially if the President has the support of certain great political and financial interests. It is for this reason, and this reason alone, that the wholesome principle of continuing in office, so long as he is willing to serve, an incumbent who has proved capable, is not applicable to the Presidency. Therefore, the American people have wisely established a custom against allowing any man to hold that office for more than two consecutive terms. ... I believe that it is well to have a custom of this kind, to be generally observed, but that it would be very unwise to have it definitely hardened into a Constitutional prohibition. It is not desirable ordinarily that a man should stay in office twelve consecutive years as President; but most certainly the American people are fit to take care of themselves, and stand in no need of an irrevocable self-denying ordinance. They should not bind themselves never to take action which under some quite conceivable circumstances it might be to their great interest to take. It is obviously of the last importance to the safety of a democracy that in time of real peril it should be able to command the service of every one among its citizens in the precise position where the service rendered will be most valuable. It would be a benighted policy in such event to disqualify absolutely from the highest office a man who while holding it had actually shown the highest capacity to exercise its powers with the utmost effect for the public defense. If, for instance, a tremendous crisis occurred at the end of the second term of a man like Lincoln, as such a crisis occurred at the end of his first term, it would be a veritable calamity if the American people were forbidden to continue to use the services of the one man whom they

knew

knew, and did not merely guess, could carry them through the crisis. The third term tradition has no value whatever except as it applies to a third consecutive term. While it is well to keep it as a custom, it would be a mark both of weakness and unwisdom for the American people to embody it into a Constitutional provision which could not do them good and on some given occasion might work real harm. (Theodore Roosevelt, An Autobiography, 388-390)

26. WILLIAM HOWARD TAFT, 1915

I am strongly inclined to the view that it would have been a wiser provision, as it was at one time voted in the convention, to make the term of the President seven years and render him ineligible thereafter. Such a change would give to the executive greater courage and independence in the discharge of his duties. (Taft, The Presidency, 4)

27. WILLIAM E. BORAH, February 7, 9, 10, 1928

February 7, 1928

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.

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. ... 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. ...

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.

February 9, 1928

February 9, 1928

I want to say that I think the anti-third-term principle is sound, but I do not think it is sacred. I have said many times that while I think in ordinary exigencies of political conditions in the country the third-term principle ought to be observed, I am perfectly willing, however, to also leave it to the judgment of the people or the electorate. I would not write it in the Constitution of the United States. There may be times and terms and conditions in which the people would judge it better to have the President for the third time than to change under the circumstances.

I think that condition would have arisen, as I said yesterday, had Lincoln's first term been his second term; that is to say, had the exigencies of the Civil War situation arisen at the close of his second term as they did at the close of his first term, the American people would have insisted on his being President again, and he would have been President. When we take into consideration the stupendous effort which was made by the leaders in the Republican Party to confine him to one term, when he was advised over and over again by the leaders that he could not be elected, but that, the people being heard from, he was renominated and reelected, in my judgment that same thing would have happened at the close of his second term under similar conditions. That exigency might be justified. I believe, too, that had Washington had upon his hands at the close of his second term the situation that he had at the close of his first term, he would have consented to be a candidate for the third time, and he would have been reelected for the third time.

But those are extraordinary and exceptional conditions, which are to be appealed to when the judgment of the people think the facts justify it. In all ordinary conditions I think the third-term principle ought to apply.

February 10, 1928

[My] personal view is that under all ordinary circumstances the tradition ought to prevail.

I would not write it into the Constitution. I would leave it where it is. But, generally speaking, I believe it a wise tradition. If I had been writing the resolution before us, I should not have expressed it as strongly as did the Senator who wrote it, because, while I regard it as sound, I can very well understand how conditions might arise in which it would be wise and patriotic to disregard the tradition. (Congressional Record, 70th Congress, 1st session, part 3, Senate, 2615-2616, 2784, 2832)

28. JOSEPH T. ROBINSON, February 10, 1928

Nevertheless, Mr. President, when urged to become a candidate for a third term, when the Nation seemed to demand his services, when many great influences were being brought to bear upon him to make the sacrifice, he [Washington] declined to do so, and his action in declining under those conditions forms the basis of a policy which has become well established in the conscience and judgment of the great majority of the American people, in my opinion, namely, that no Chief Executive should succeed himself after having served a second term. There is this consideration, too, which applies with some force to a second term, but not with equal force, namely, that a President who desires to do so can force his own renomination, for the simple reason that in nearly every convention that assembles a large number of the delegates consist of Federal officeholders, and a larger number, perhaps, consist of the relatives and friends of Federal officeholders; and within the last few years we have seen an illustration of a President seeking to be nominated for a second term, whose nomination was encompassed, when he was able to carry only two very small States. So that there is a power and an influence which accrues to one in a high office, particularly a high executive office, which enables that individual, if he chooses to exercise his power, to encompass his own preferment in spite of the will of the public. (Congressional Record, 70th Congress, 1st session, part 3, Senate, 2827)

29. RESOLUTION OF THE SENATE, February 10, 1928

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. (Adopted, 56 to 26)

YEAS: Ashurst, Barkley, Bayard, Black, Blaine, Borah, Bratton, Brookhart, Broussard, Bruce, Capper, Copeland, Couzens, Curtis, Cutting, Dill, Edwards, Fletcher, Frazier, Gerry, Gillett, Glass, Goodling, Harris, Harrison, Hawes, Hayden, Heflin, Howell, Johnson, Kendrick, King, La Follette, McKellar, McMaster, Mayfield, Neely, Norris, Nye, Overman, Pittman, Robinson (Ark.), Sackett, Schall, Sheppard, Shipstead, Simmons, Smith, Steck, Stephens, Thomas, Trammell, Tydings, Wagner, Walsh (Mont.), Wheeler

NAYS: Bingham, Blease, Dale, Edge, Ferris, Fess, Gould, Greene, Jones, McLean, McNary, Moses, Norbeck, Oddie, Pine, Ransdell, Reed (Pa.), Robinson (Ind.), Shortridge, Smoot, Steiwer, Walsh (Mass.), Warren, Waterman, Watson, Willis

NOT VOTING: Caraway, Deneen, du Pont, George, Goff, Hale, Keyes, Metcalf, Phipps, Reed (Mo.), Swanson, Tyson (Congressional Record, 70th Congress, 1st session, part 3, 2842)

PSF: Moore
State
File
Personal

THE COUNSELOR OF THE DEPARTMENT OF STATE
WASHINGTON

June 8, 1939

Dear Mr. President:

One further word about George Creel. In a note to me dated May 29th he says "I expect to be in Washington sometime in July and will make a point to see you at once. What you suggest meets my own views absolutely, and I would love to do the article." That note was an acknowledgment of my letter to Creel of May 22nd from which the following is an extract:

> "Of course, I realize the practice that has grown up of limiting a president to two terms but I think, as General Washington thought, that there is a great deal of twaddle in holding that a man who is desirable and necessary should not be elected for a third term. The story of the evolution of the practice is very interesting but I shall not now attempt to elaborate.
>
> "It seems to me that whatever view anyone may take, a well-balanced story in such a publication as Collier's would serve to stimulate reasonable thinking on the subject."

After

The President,

The White House.

After having been with the House Committee on Foreign Affairs three days in considering neutrality legislation, I feel confident that next Monday an entirely satisfactory bill will be reported.

Yours very sincerely,

R. Walton Moore

DEPARTMENT OF STATE

THE COUNSELOR

file personal

States - (in 1808):

Connecticut;

Delaware;

Georgia;

Kentucky;

Maryland;

Massachusetts;

New Hampshire;

New Jersey;

New York;

North Carolina;

Pennsylvania;

Rhode Island;

South Carolina;

Tennessee;

Vermont;

Virginia.

PSF: R. Walton Moore. State

DEPARTMENT OF STATE

THE COUNSELOR

August 5, 1939.

Authoritative Life of Thomas Jefferson, by Henry S. Randall, published in 1858. At page 352, of Volume 3, there is the following statement:

> "The Legislatures of Massachusetts, Vermont, Rhode Island, New York, Pennsylvania, Maryland, New Jersey, and North Carolina -- all perhaps that acted in 1808, before Mr. Jefferson's final refusal to serve a third term had been made public -- solicited his continuance in office."

In 1808 there were sixteen states, and thus it seems that one-half of the number desired Jefferson to continue in office.

C RWM:MHM

OFFICE OF
~~THE~~ COUNSELOR

file personal

PSF: Moore.
State

DEPARTMENT OF STATE
WASHINGTON

August 16, 1939.

Dear Mr. President:

It is proper to say that owing to the Secretary's absence I have not had the opportunity of discussing with him the matters to which this note refers.

There have just returned from Ottawa officials of this Department who participated in an aviation conference at which Mr. Roper presided, and they tell me that he indicated that he is leaving Ottawa in a very few days.

As I took the liberty of saying to you the other day, I strongly hope that John Cudahy will be appointed to replace him. You know Cudahy's fine qualities, and I can tell you that his record in Warsaw and Dublin has been altogether satisfactory. When I mentioned him for the Ottawa appointment, you spoke of desiring to consider some suitable man to go to Dublin in the event Cudahy goes to Ottawa, and I have thought that perhaps you might regard it as desirable to consider Wayne Taylor. I am saying this without having had a word on the subject with Taylor, but because I know him

well

The President,

The White House.

well as an unusually able man, who I believe would be of value to the Administration not only in Dublin but otherwise.

You are fortunate in being away from Washington in this time of excessive heat, and I hope that you will be greatly refreshed by your sea trip and visit to a cooler place.

Yours very sincerely,

Robert Lansing

PSF: Misc
State

Letter to the President

From R. Walton Moore--State Dept

September 23, 1939

Encloses copy of a report of a conversation with the Minister of Rumania, Mr. Radu Irimescu, and Mr. Dunn.

In re-Rumanian Gov acts in detaining the Polish officials.

Refers to assination of Prime Minister Calinescu.

See:State Dept folder-Drawer 1-1939

PSF: Judge Moore
Stat

Letter to Judge Moore

From John Cudahy

Dated--November 29, 1939

Subject: War in general abroad-

See: Ireland folder-Drawer 1-1939

PSF Box (Walton Moore, 1933-37, 1939)

file personal
Enclosure returned to Judge Moore

PSF: Moore
State

December 26, 1939.

Dear Mr. President:

I know how the pressure of work at this time makes it difficult for you to arrange for personal interviews and, therefore, I have thought best to write you.

You will remember that several months ago I talked with George Creel about preparing an article for COLLIERS. Two weeks ago I received from him a note dated December 13 which is herewith enclosed along with his draft of an article for which he is seeking a publisher. I do not attach much importance to the disinclination of magazines to deal with the question in the manner desired by Creel. The result of the election next year will in my judgment very slightly depend on the attitude of the magazines and newspapers.

The Creel draft seems to me pretty satisfactory, but perhaps there is a lack of emphasis on a few points to which I think great significance should be attached as showing how artifical and unwarranted is the anti-third term fetish:

(1) There are a great many people who believe that what has become a tradition was established by the first president, while the fact is that as soon as General Washington heard of the opposition to the eligibility of a president for re-election he stated that the framers of the Constitution after much discussion deliberately resolved to let the people themselves determine who should be selected for the office and how long he should be continued in office. Before he was inaugurated he expressed that view in a letter to Lafayette who had advised him of the contrary view entertained by Mr. Jefferson. It is very clear that, as Washington indicated, it would be

contrary

contrary to our constitutional system to take a course that might disable the people from retaining in office a president whose retention would be altogether desirable.

(2) Jefferson would probably never have been opposed to the re-election of a president except for his extreme fear that Hamilton and his adherents might make a successful effort to substitute a monarchial system for the system devised at Philadelphia. Thus even before he returned from France to this country he became a very strong advocate of that theory with respect to the office of president and with respect to the senatorial and judicial offices. Had be become United States senator we would perhaps now be facing a Jefferson tradition with reference to re-election to the Senate.

(3) It is very interesting to find that in the early part of the last century the people accepted the Washington view as against that of Jefferson, this being apparent from the fact that eight of the sixteen states petititioned Jefferson to stand for a third term and that except for his emphatic declination the other eight states would have followed suit.

(4) One premise on which Jefferson built his theory was that the occupant of the presidential office has so much much power that he can bring about his re-election conception at will. That conception fades away when it is condisered that only a minority of the presidents have been able to secure their re-election for a second term.

For many months I have thought and still think that unless you are retained in office your successor will be a Republican with the result that domestic policies will become

become largely reactionary. But even worse would be the disappearance of the only leadership which at the end of the war could be exerted with tremendous influence to make fair adjustments and find some method of insuring a more peaceful world. I am in complete agreement with Senator Norris that, whatever your personal inclination, you would render a disservice to the country and the world by announcing in advance of the convention that you will not accept a renomination. You will, of course, understand that this frank expression is not dictated by any personal ambition. In the nature of things I can not hope to hold on much longer, realizing to quote the words of Mr. Coolidge that "my future lies in the past".

Yours very sincerely,

R. Walton Moore

PSF: Misc (State Dept) 1

Memo from Walton Moore
to M. A. Le Hand

Attaches letter from J.P. Moffitt on

Roosevelt ancestry.

See-Genealogy folder-Drawer 3-1939