### Coolidge or Chaos Issue in Election, Says George Harvey didate," is vastly more offensive in their eyes than Mr. Coolidge, definite.

Unusual Situation Confronting People With Crystal Clarity.

(Continued from Page One.)
were increased by 8 from West Vir ginia, 3 from Delaware, 8 from Maryland, 18 from Missouri, 8 from Ne braska, 3 from Nevada, 10 from Okla homa, 15 from Indiana, 24 from Ohio and 12 from California-an incredible supposition-he would still

lack a majority. Mr. La Follette, whose highest hope is to reach second place, admittedly would have no chance of attaining

The only question is, could Mr. Cool idge obtain a clear majority over the for president, but by individual sentwo combined? Let us see. Conceding him as one might do safely at the present time, New England, the niddle states, Ohio, Illinois, Michigan, Utah and Oregon, he would secure 218 electoral votes. He would require, for a majority, 48 additional from the following aggregation of states:

Could Mr. Coolidge, next week, obtain 48 votes from this group of states? We doubt it.

In any case, whether our misgiving be correct or not, one fact stands forth as clear as the noonday sun. party and the democratic party, not hetween Coolidge and Davis, but between Coolidge and No Election.

What Constitution Requires. That is the sole practical issue. A A vote for either Davis or La Follette eligible persons. would be (1) a vote for a president to he selected by a house of representatives chosen two years ago; or (2) for a president to be designated first as vice president by a senate, of whose members 32 were elected six years ago; or (3) by a secretary of state, for whom not a single vote for president would have been cast, Which of these three would actually be installed in the White House, in the event of no election, is a problem, which finds no solution in precedent and none that is clear in the constitution and pledges he might see fit to exact from

The method of procedure, in the granted. event of no candidate receiving a clear majority of electoral votes, is provided by the Twelfth amendment

senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for president shall be the president, if such number be a majority, of the whole number of electors appointed; and if no person has such majority, then from the persons having three, on the list of those voted for as president. The House of Representatives shall choose immediately by ballot, the president.

But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member of members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a president, whenever the right of choice shall devolve upon them before the fourth day of March next following, then the vice president shall act as president, as in the case of the death or other constitutional disability of the president. The person having the greatest number of votes as vice president shall be the vice president, if such number of electors appointed, and if no person have a majority, then from the won highest numbers on the list the venate shall choose the vice president; a quorum for the purpose shall consist of two-thirds of the whole number of the senators, and a majority of the whole number of the senators, and a majority of the whole number of the senators, and a majority of the whole number of the senators, and a majority of the whole number of the senators, and a majority of the whole number of the senators, and a majority of the whole number of the senators, and a majority of the whole number of the senators, and a majority of the whole number of the senators, and a majority of the whole number of the senators, and a majority of the president is a quorum for the purpose chall consist of two-thirds of the whole number of the senators, and a majority of the president is a quo

Procedure That Is Possible. Two instances of no choice by electors are recorded. The first was in 1800, three years before the Twelfth mendment was adopted, and the sec end was in 1824. In each case the libuse of representatives finally chose a president by a majority vote Neither, therefore, affords a prece dent for the prospective situation, which involves a virtual certainty that no one of the three candidates could obtain a clear majority of votes by states in the present house of rep resentatives, which would be called upon to make a choice. Each state, as provided by the

twelfth amendment quoted, would have one vote, and 25 would be requisite to a choice of the three candidates who had received the larg est number of votes by electors. The ballots in the house of repre sentatives as now constituted, mak ing no allowance for possible deaths or resignations of members, would be as follows:

COOLIDGE.

EQUALLY DIVIDED. aks. Coolidge, 22; Davis, 26; La Fol 1; not counting, under the proce established in 1800 and 1824, 5.

No Election in House. Mr. Coolidge would lack three of majority, Mr. Davis five and Mr. La Follette 24. The suggestion of a transfer, by the farm bloc, of Wisconain and four additional states from Mr. Coolidge to Mr. Davis, thus giving the latter the requisite 28, may be disregarded. If the democratic

have been within the range of conjecture, but the fact that Mr. Davis, whom Mr. La Follette and his folwers depict as "the Wall street canidate," is vastly more offensive in it conceivable that the democrats to the exigencies specified.

Former Ambassador Analyzes would join with the recalcitrant republicans in voting for Mr. La Fol-Clearly, there could be no election

of a president by the house of repre-

What the Senate May Do. Simultaneously,-that is to say, on February 11 next, as provided by the sentatives would be balloting in vain for a president, the senate would be engaged in electing or trying to elect a vice president. Under the 12th amendment quoted, their selection, assuming Mr. Wheeler to have polled to a choice between Mr. Dawes and Mr. Bryan, and the votes would be cast, not by states, as in the house

Forty-nine are required for an elec-

The senate now comprises nominally 51 republicans, 43 democrats and two farmer-labor members. Assuming further, as must be assumed, that the two farmer-labor members, Senators Shipstead and Magnus Johnson. would not vote for Mr. Dawes, a loss of three nominal republicans would ator Norris might be one, but in any ator Norris might be one, but in any ing provision contained in the Act case Senators La Follette, Brookhart, of 1886. Frazier and Ladd could not be expected to vote for Mr. Dawes for vice president, likely to become presi-

seven-Senators La Follette, Brook-This campaign has resolved into a hart, Frazier, Ladd, Norris, Shipstead contest, not between the republican and Magnus Johnson-would control the situation.

They could (1) furnish the six additional votes required by the democrats for the election of Mr. Bryan, or, (2) by absenting themselves, they vote for Coolidge would be a vote for could prevent the election of either a president to be elected by the people. Mr. Dawes or Mr. Bryan, the only

The probability is that they would accept the first alternative and elect Mr. Bryan, who is not only akin to themselves in populistic and pacifistic doctrines but is committed irrevocably to all of the variegated notions conceived and espoused, during the last 30 years, by his more versatile elder brother, who unquestionably would continue to act as his guide and counsellor. That Senator La Follette would be able to obtain whatever the two brothers may be taken for

Presumptively, then, Mr. Bryan, at noon on March 4, 1925, would become the constitution, which reads as president of the United States for a

period of four years. Not only presumptively, but probably: although at this stage there enters a question of interpretation of

fundamental law.

The constitution (Article II, Section 6) provides specifically that only "in case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of said office," "the same devolve on the vice

Strictly and perhaps legally speakng, none of the conditions, thus depicted and restricted, would exist in he circumtsances anticinated. The president would not have been renoved from office, he would not have lied nor resigned, nor would he have shown "inability to discharge the powers and duties of his office."

There would be no president. On the stroke of 12, meridian, on March 4, 1925, the term of the present incumbent would have expired and Mr. Coolidge would have become a private itizen. There would be a vacancy. And not only is no provision for filling a vacancy made by either the constitution or the statutes; but there is no authorization in the constitution for the congress to make such provision.

their eyes than Mr. Coolidge, definite-ly eliminates the possibility. Nor is Congress are restricted accordingly

It Might be Hughes.

bserved in the Succession Act, apcase of removal, death, resignation, or inability of both the president and vice president of the United States, the secretary of state"-then the sec- The final determination of these tive of the expiration of the term of statutes,—while the house of repre- retary of the treasury, et al.—"shall legal points would lie unquestionably President Coolidge, and, in the event empty chair at the head of the gov-

the fewest votes, would be restricted for the obvious reason doubtless ized that it lacked authorization to one. The same question make arises, therefore, as to the legality of the succession of the secretary of state as that which pertains to the eligibility of the vice president

There is, however, one highly im portant difference between the two officials as possible presidents by sucsession. If the eligibility of the vice president should be established and recognized, Mr. Bryan would be installed in the White House for a full term of four years. The accession of the secretary of state, on the conprevent his election. Of these Sen- trary, would be subject to the follow-



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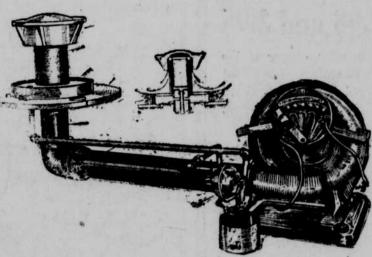
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The implication of this proviso conveys the unmistakable intent of the statute that the secretary of state should act as president ad interim, This limitation is recognized and only, in the words of the statute, "until a president shall be elected," at proved January 19, 1886, which in a time and in a matter to be preidentical language provides that "in scribed by the congress, which he is that no tenure of office is fixed for all, would be confirmed, through ary session," presumably for that sequently Mr. Hughes would continue

act as president until the disability in the supreme court, but how the of no election of either president or of the president or vice president be question involved could be submitted removed, or a president shall be to, and adjudicated by, that august body while the house of representa-Here again provision for filling a tives and the senate still possessed acancy is noticeable by its absence, authority to elect respectively a ercise a large measure of control over come should be that anticipated, there obvious reason doubtless president and a vice president, i. e., subsequent proceedings

in court procedure, from which a layman, to say nothing of a lawyer, retreats in dismay.

The political situation would be ity of his elevation to the presidency his associates would co-operate with the democrats in electing Mr. Bryan

vice president. There is another that would appear to them as hardly less cogent. charged to "convene in extraordinary session," presumably for that sequently Mr. Hughes would continue at law, upon the ground that the to hold his present position, irrespec vice president, might and probably would, assume the duties of the chief augurated president of the United serving only ad interim, he would ex-

Mr. La Follette's eyes as Mr. Davis the grave words of Senator Borah, week. himself, it is hardly conceivable that "as tragic a situation as, outside of

for so much as a day. Wherefore we are concinced that in the event of no election, Governor Bryan would be chosen vice president before March 4; that his title to the vacant presidency, if challenged at constitution, like nature, abhors a vacuum, and never contemplated an ernment; and that on March 4, Vice

Even though, in the end, the outcould not fail to be, in the mean-

Wall street lawyer, between office utter chaos, with all attendant evils, in the electoral college. the very recital of which would be the radicals would hazard a possibil. actual war, could arise in a republic. We conclude as we began:

Inasmuch as Mr. Hughes is also time, immeasurable confusion and at any time, win a majority of votes It is doubtful if Coolidge could obholdings, and quite as offensive in little short of terrifying, spelling, in tain a clear majority now or next

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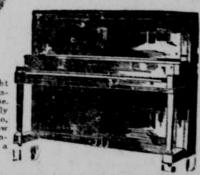
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