

and even savage races in a remote part of the world is, however, by no means the worst feature of the Quixotic adventure upon which we are asked to enter. The constitution of the United States also provides that "all duties, imposts and excises shall be uniform throughout the United States". If these islands, under whatever form of administration, come under the civil authority of the United States, thereupon our tariff and revenue laws, *ipso facto*, apply to them. It is beyond the power of congress to exempt any territory of the United States from the operation of this plain constitutional provision. It follows that unless we greatly modify our tariff, our mere assumption of civil jurisdiction over these islands will impose upon the antiquated colonial system of taxation from which we revolted in 1776, and to rescue them from which we have just broken the peace of the world. Thus grossly to discriminate in favor of our own manufacturers will not only impose intolerable burdens upon the islanders, but certainly lead us directly into trouble with other commercial nations, whose merchants should have the right to trade with these people upon the same terms as our own.

This, however, is not all that this dangerous policy involves. We have seen that the inhabitants of our proposed acquisitions will at once become citizens of the United States, and have all the immunities of citizenship in every part of our country. It is reported that from one-fourth to one-third of the present inhabitants of Luzon are Chinamen. The other elements of its population are even less desirable as citizens. We have now for some years, for reasons some of which are generally regarded sufficient, prohibited further Chinese immigration. If the Chinamen of the Philippines and their other inhabitants become citizens by reason of their acquisition by us, we can no longer legally prohibit them from coming here. If this were all, we might at least limit the possible invasion to those who are the present inhabitants of the islands and to their descendants. It is, however, one thing to protect our present territory from the immigration of the yellow peoples of the East. It would be quite another for us to arbitrarily take possession of a great archipelago in that region and exclude from it the peoples of its own neighborhood. Indeed, those who really desire the annexation of the Philippines, profess a great desire to make these islands a gateway through which we may secure the Chinese trade. If it is to be a gateway at all, the gate will swing both ways, and through it will come to us as our fellow-citizens of the republic untold numbers of men who are and must long remain wholly unfit for self-government.

Those who hold that fatalism in the form of "duty determines destiny", and

that destiny itself is an affair of the heart rather than of the head, lightly reply to all this that they have proposed no such annexation as will make these islands subject to the constitution and general laws of the United States. They assume, without shadow of authority, that congress may deal with such acquisitions free from all constitutional restraints. This seems to be the view at Washington. It is even reported that the president will recommend to congress the appointment of a commission to recommend a plan of insular taxation, both local and general. No commission is needed to point out the constitutional requirement that "all duties, imposts and excises shall be uniform throughout the United States".

The cool assumption that congress may itself acquire and hold new territory conditioned that it shall not be subject to the constitution and general laws of the United States, is the most dangerous development of the expansion craze through which we are passing. It means in plain language that there are those among us who, for the moment at least, are prepared to discredit and even abandon representative government. Thus far it has been our greatest glory that ours is a government of laws, not a government of men. Presidents and congresses have exercised only delegated powers. They have ruled as the servants and with the consent and co-operation of the people. It is now proposed that in addition to their duties as public servants they shall take on other duties of an entirely different character; that they shall exercise a self-assumed, arbitrary and uncontrolled authority over distant and subject peoples. If this extraordinary program can be carried out, we shall see the president and congress daily exercising from Washington both delegated and self-assumed powers. At one moment they will act as the duly authorized servants of a free people, and the next as despotic rulers of subject races. Their authority over us will remain at least in name expressly delegated. Their authority over their remote subjects will remain self-assumed and unrestrained.

It is a law of physics that two bodies cannot occupy the same space at the same time. Abraham Lincoln but declared the application of this law to the realm of politics when he declared that "this government cannot endure permanently half slave and half free." Under his great leadership his prediction that the Union would cease to be divided was gloriously fulfilled. The question for our generation is whether we shall voluntarily again divide it; whether we shall permit to be set up at the seat of government despotic power to compete with representative authority for final supremacy.

We may well inquire, as bearing on what shall be the line of demarcation

between the constitutional authority of congress and the arbitrary power which it may assume, by what warrant has the present congress levied enormous taxes, borrowed immense sums of money and called some two hundred and fifty thousand men from productive occupations and subjected them to the physical danger and moral contamination of the camp? Such warrant must be sought in the self-assumed power of congress, as it nowhere expressly appears in the constitution. The purpose of that instrument was "to form a more perfect (not a less perfect) union, to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." There is nothing here which contemplates the government of subject races or control of territory which is not within the Union. The constitution confers upon congress "power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense." It further provides for a militia "to execute the laws of the Union, suppress insurrections and repel invasions." We shall look in vain in these provisions of our fundamental law for authority to wage aggressive war for the acquisition of territory. The truth is that this new variety of territorial expansion calls for an unconstitutional expansion of the powers of congress.

We may, however, dismiss the fantastic assumption that congress may acquire and govern territory which shall not be subject to the constitution and general laws of the United States. The supreme court has said: "It cannot be admitted that the king of Spain could, by treaty or otherwise, impart to the United States any of his royal prerogatives; and much less can it be admitted that they have capacity to receive or power to exercise them. Every nation acquiring territory, by treaty or otherwise, must hold it subject to the constitution and laws of its own government.\*"

We may rest assured that all islands to which our civil authority shall be extended will become subject to our constitution and general laws; that their inhabitants will become citizens of the United States and of the several states in which they may choose to reside; that as such citizens they will come and go at will throughout the entire country; that their government by congress must be subject to the fundamental limitations in favor of personal rights which are formulated in the constitution and its amendments; that by our high tariffs we shall continue to grind their people into the dust as Spain has done before us; and that our dream of imperialism will saddle upon us awful burdens and finally lead us we know

\*Pollard vs. Hagan, 3 How. 312.