

"It is no uncommon thing for persons in various parts of the country to write to their representatives in congress asking what the Philippines have cost the United States. J. B. McClure, district attorney of Beaver county, Pennsylvania, wrote a letter to Representative Acheson of Pennsylvania the other day asking for a copy of the original resolutions passed by both houses of congress relative to the war with Spain, setting forth that the war so declared was not a war of conquest, but for humanity's sake, and asking what the entire cost per annum had been to the United States in maintaining the Philippines, and also the cost of the Spanish war. Mr. Acheson referred the letter of his constituent to the Bureau of Insular Affairs of the war department and received a reply from Brig.-Gen. Clarence R. Edwards, chief of the bureau."

The substance of General Edwards' reply is given by the Post correspondent thus: "It will be noted that in this statement of affairs from the chief of the Insular Bureau that he says, 'the only expense against the United States revenues at present is the increased cost of the maintenance of troops in the Philippines over that in the United States.' This is leaving entirely out of the account the cost of maintenance of the Philippine scouts, the increased cost of the navy, and the appropriations for fortifications, navy yards and docks, magazines, and barracks, in the Philippine Islands. Surely these items are as directly chargeable to the cost of the Philippines as any moneys the United States has ever expended on what we know officially as our 'non-contiguous territory.' Referring to the sums expended from the United States treasury for the support of the army, navy, and coast and Geodetic survey in the Philippines Gen. Edwards says blandly: 'It has been impossible to obtain any statement which would show how much of such expenditures could be charged to our holding the Philippines. Expenditures for these purposes are not divided or classed in such a way as to make the calculation possible. Decidedly, then, the time has come when these expenditures should be 'divided or classed in such a way' as to make the calculation possible. Here is a concrete instance of the tendency on the part of the government, as pointed out in this correspondence to the Evening Post on Saturday, to withhold the whole truth about the Philippines. Government accounting is notoriously involved, but it is not such an intricate science that, if the desire existed, tabulations could not be made of all the sums specifically disbursed from the United States treasury and directly chargeable to the Philippines. When directed by the senate, the secretary of war was enabled to give a specific and detailed accounting of the moneys expended under his jurisdiction from May, 1898, to June, 1902. Undeniably, if the consent of the administration supporters in the senate could be obtained, the war department would find a way to make an answer to Senator Clay's inquiry calling for similar information from July 1, 1902, to the present day."

It must be plain to every careful observer that the American people are becoming weary of the Philippine Islands and impatient of the excuses given by republican leaders in their efforts to conceal the truth. In the language of the Post's correspondent: "Why should not the people know how much it is costing us to teach the Filipinos how to govern themselves? Since we have had possession of the islands, they have cost us millions of dollars and a large number of lives. There is not the slightest doubt that they are going to cost us other millions of dollars so long as we retain possession of them. If they have been of any particular value to us, the fact has escaped general observation."

Why not immediately pave the way for discharging our duty to ourselves and to the Filipinos? Why not make a declaration of the nation's purpose to surrender the Philippines to the Filipinos on the same terms upon which we surrendered Cuba to the Cubans? Why not while giving liberty to the Filipinos—and giving the Philippines to liberty—give relief to the American people who have at their own doors problems so grave and pressing as to require their best thought and highest endeavor?



TREATY POWER LIMITED

Orwell C. Riddle of Columbus, Ohio, has written for The Commoner an interesting article on "Treaty Power Limited." The article follows:

In The Commoner of February 22 was an excellent communication from Joseph H. Call of Los Angeles, Cal., on the subject "The Treaty Power." While in full agreement with the views expressed by Mr. Call, and especially the last three paragraphs of his letter, there is one sentence to which the writer desires to note an exception.

The particular sentence reads: "A valid treaty

is, of course, a law of the United States, and can change or amend any other existing law, whether made by the two houses or in the form of a treaty."

This statement seems to correctly express what the writer believes to be a popular error, and it is a desire only to correct such an erroneous opinion, if possible, in no spirit of cavil or criticism, that prompts this dissenting opinion.

It is possible the growing opinion that a treaty can alter or abrogate a statute or a part of the constitution is due to an assertion of the president in his instructions to Secretary Metcalf, and repeated by Mr. Metcalf to the people of California when he went to San Francisco as the special emissary of the president to inquire into the Japanese school embroglio. The president told Mr. Metcalf to tell the Californians that a treaty is "the supreme law of the land," and that is what Mr. Metcalf told them; which gives us another proof of how it is possible for half a truth to become a whole falsehood. For the president's utterance, reiterated by Mr. Metcalf, is only half a truth.

If it were true that a valid treaty "can change or amend any other existing law," then, as Mr. Call pertinently remarks, the treaty making power would have no limitations, the reserved powers of the states would be obliterated, the power of the lower house of congress suspended, and the treaty power become superior to the constitution.

But on this subject the constitution itself has something to say. After vesting in the president and senate the authority to make treaties with foreign nations, the constitution thus clearly defines the status of a treaty and specifically fixes its limitations:

"This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding." Article 6, section 2 of the constitution.

Stripped of all the verbiage of court opinions, and getting back to the homespun meaning of words standing alone or sympathetically assembled in sentences, this section of the constitution means that the supreme law of the land is, first, the constitution itself, therefore it is predominant; then, the statutes enacted by congress, if they conform to the constitution, therefore subordinate, then treaties that conform to the constitution and statutes, if there be a statute, or to the constitution itself if there be no statute, therefore also subordinate.

That the framers of the constitution themselves meant to give priority and supremacy to the constitution is patent from the fact that in setting forth what shall be the supreme law of the land they designated the constitution first, then laws in consonance with the constitution or laws, or both. The judges are not admonished that they are to be bound by treaties only, and that state constitutions and laws are impotent under treaties alone, but that courts are to be bound by and state constitutions and laws must be in accord with, first, the federal constitution, then federal laws that are constitutional, and federal treaties that are constitutional.

No amount of conjuring with words can make this section of the constitution read that power is reserved to the president and senate to enact through treaties any law not specifically authorized by the constitution, or to override by treaty any law enacted by a state under its reserved rights guaranteed the state by the federal constitution, for if this could be done the states would have no reserved rights whatever, would be stripped of their sovereignty, and made subservient to the federal administration. For it must be distinctly understood that the word "authority" in the constitution does not mean that the president and senate are given unrestricted power to make treaties, but that they may make such treaties as are authorized by the constitution within the bounds fixed by the constitution. So that instead of being ultra vires, the treaty power is limited to the stipulations of the constitution.

As the validity of a statute must stand or fall by the test of conforming to the constitution so must the validity of a treaty stand or fall by the same test, with this difference, that it must also conform to a law, if there be one, as well as the constitution. And as an act of congress may be reviewed in court, so also may a treaty be reviewed in court, it being one of the trilogy which constitute the supreme law of the land, but removed in the third degree from the head of the trilogy.

It must stand to reason, then, that if a treaty transgress any right guaranteed by the federal constitution to a state, whether expressed or re-

served, it is as invalid as any act of congress that undertakes to do a like violence.

Which is to say: The president and senate as a treaty making function have no more right or authority under the constitution to make a treaty touching the right of California (or any other state) as one of its reserved prerogatives, to regulate schools as it may deem best for its citizenship, than congress would have to regulate the schools of California, or any other state, by a federal statute.

If the president, in collusion with the senate, can override the constitution in respect to schools by a treaty with a foreign nation, by the same autocratic power he could, if able to cajole the senate into giving him the necessary "advice and consent," negotiate treaties with wine producing nations to abrogate the temperance laws of any state; or make treaties to regulate railroad rates, trusts, corporations, insurance companies, child labor, strikes, inspection of beef, milk tests, the price of butter and eggs and farm products, international marriages and divorces, race suicide, orthography, football rules, the code duello, jiu jitsu, equestrian etiquette, rules for rocking the cradle, to regulate the doses of paragoric, or do any fool thing in the form of a treaty for which no authority can be found in the constitution and laws of the United States.

Such power would go a step further. If a president "by and with the advice and consent" of the senate can enact laws in a way that will take precedence over the constitution and statutes, then we have reached the highest degree of autocratic monarchy, and our boast of being a republic a mere hoax.

If a president and ninety men, acting as senators, can do by treaty what the combined prerogatives of the president, senate and house cannot do by statute, then we have no need of the house of representatives and it might as well be abolished. We might as well have all our laws enacted that way, say in the guise of treaties with San Domingo or Panama; also abolish all our state legislatures and govern the states through treaties with Japan, China and other "heathen nations," with the "most favored nation" clause inserted to let in the civilized, or so-called Christian nations on the same level.

ORWELL C. RIDDLE.

Columbus, O., February 25.



LETTERS FROM THE PEOPLE

"John J.," Pittsburg, Pa.—Please allow me to suggest, through your columns, the formation of local associations of Commoner readers. Such associations would be productive of good for the country, good for the members of such associations and good for the Commoner. The great multitude of Commoner readers commune in spirit with each other. On the broad principles of governmental reform they think, they believe and they hope along the same lines. Why not get together in the flesh, occasionally. In local political matters they can counsel with each other and by united action or even an effort at united action help along the great good work and aim of The Commoner, which is the promotion of the cause of an ideal and a pure democratic government in the United States, in fact as well as in form.

While we (the readers of The Commoner) are not alone in high hopes or lofty aspirations for our country's good still we might justly be termed a class of crusaders believing and working individually; accomplishing what good we can but not near so much as we might accomplish if we had the advantages that local organization would afford. Reading The Commoner promotes a love of right and justice in legislation, be it local or national, as much as reading the Bible promotes the faith among Christians. While it may not cause a republican to forsake his party it will have a strong tendency to make him insist on reforms within his own party. Local organizations of Commoner readers could map out plans for placing before their republican friends the many dignified arguments for good government that The Commoner contains.

A Postal Employee.—Postal matters are now before congress and the allowance in the appropriation bill for the various branches of the department of postal affairs will soon be passed upon. Ninety per cent of the postmasters of the first and second class offices draw 90 per cent more salary than they earn and their immediate assistants and some other subordinates draw far in excess of services rendered, while many clerks in the classes that do the heavy work of handling and distributing the mail get but little more, if any more, than unskilled laborers. I handle thousands of dollars every day in the form of registered letters and other matter and at a great risk of losing one or more packages and my position with them, for I have not the conveniences of a safe place to leave them while I am going about the depot climbing over trains to look after loading mails