

AMERICAN LEGENDS.

The subjoined from a citizen of the Philippine republic may be profitably read by all the citizens of that republic which Washington, Franklin, Jefferson, Hamilton and their contemporaries founded.

Some of the jingoists now in congress may learn American history and the legends of the declaration of independence from Senor Agoncillo.

[Accompanying letter to the honorable the secretary of state of date January 11, 1899.]

For almost the entire past one hundred years the natives of the Philippine Islands have striven quite incessantly, by organization and force of arms, to throw off an alien and oppressive yoke. Without reviewing at length the reasons which have induced them to take this course, it may be sufficient to say that ever since the seizure of the Philippine Islands by the Spanish government, more than three hundred years ago, the natives have been deprived of all right of local self-government, in the face of the "blood treaty" of 1565, granting the Philippines autonomous government, and the liberties guaranteed by the constitution of Cadiz in 1814, and have been denied the privilege of levying and collecting their own taxes or taking any part in the direction of the proceeds of taxation, and have been controlled by governors not in sympathy with them, but, without prior acquaintance, sent to them from a nation foreign in thought to themselves. Unlike even the island of Cuba, they have been denied any shadow of participation in the affairs of government through having a membership in the Spanish cortes.

In the struggle upon which the Filipinos have been engaged for, as I have said, nearly a hundred years, they have been largely influenced and controlled in their hopes, aspirations, and actions by the declaration of independence of the American people, particularly in so far as that document has declared that "all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness." They have further learned from the same document, in their studies of American law and liberty, that "to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed." They understand from it that colonial government is, as the declaration of independence says, "destructive of these ends," and that it is therefore the right of the people to "alter or abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness."

Further studying that instrument, they have found that it indicted the king of England for keeping among the Americans "in time of peace, standing armies, without the consent of (their) legislatures," and because he had "affected to render the military independent of, and superior to, the civil power." They have, therefore, also learned to be jealous of armies of any nationality, the presence of which might curtail their civil liberties, without their consent.

Finding themselves, therefore, subject to all the grievances as to government without representation, unjust taxation, quartering of military among them, subordination of civil to military power, they rose repeatedly in rebellion, and

finally on the 18th of June last, being in possession at that time of the larger share of the Philippine Islands, the Spanish government being recognized even then over a comparatively small area, they formed an independent government. In the formation of this government and the drafting of its constitution they provided for and insured to the independent people of the Philippine Islands the ends contemplated by the constitution of the United States, establishing justice, insuring domestic tranquillity, providing for the common defense, promoting the general welfare, and securing the blessings of liberty to them and their posterity.

At the time of the formation of this constitution, parallel as it was practically, in connection with their revolution, to the time of the adoption of the American declaration of independence, they found themselves superior in position as to their control over their country to that of the Americans when the declaration of independence was framed: for the Spaniards possessed only a small portion of the Islands, while the Filipinos were in control of nearly all of their large cities, as well as of the country beyond.

Acting under this constitution, they have carried out all of its injunctions, establishing justice, raising armies, maintaining a postoffice system, and exercising the further legitimate functions of a government. Their position at the present time is better, I respectfully suggest, so far as general recognition of their national authority is concerned, than was that of the American republic prior to the ratification of a treaty between America and England; for, as you will recall, British armies were in possession of American ports when the treaty of peace was signed, whereas now the Spanish government is recognized nowhere in the Philippine Islands, except part of the island of Mindanao; the Philippine government reigning supreme everywhere, save at the city of Manila and the town of Cavite adjoining it.

The mere fact that Manila is an important port does not, as we are told, affect the jurisdiction of the republic over the islands and the right of the republic to recognition, for, as was said by Mr. Cass, secretary of state, to Mr. McLane in 1859, to sustain the recognition by the United States of a Mexican government after civil war, it is not necessary that such government should be in possession of the City of Mexico. It is enough if it be "obeyed by a large majority of the country and is likely to continue."

May I further respectfully submit to you, in view of the foregoing, that the Philippine republic, established as it was, exercising the functions it exercises, controlling the territory it has jurisdiction over, has come within the severest definition of the word "nation?" For, says Phillimore's International Law: "A nation is a people permanently occupying a definite territory, having a common government peculiar to themselves for the administration of justice and the preservation of internal order, and capable of maintaining relations with all other governments," while Kent in his commentaries says that "Cicero and after him Grotius defines a regular enemy to be a power which hath the elements or constituents of a nation, such as a government, a code of laws, a national treasury, consent and agreement of the citizens, and which pays a regard to treaties of peace and alliance."

Permit me further to respectfully suggest to you that, pursuant to American

doctrines with which you are more familiar than the writer can possibly be, there has been no moment of time when the United States could have acquired any title to the Philippine islands, save by the express consent of their inhabitants, and that, such consent not having been given, and Spain having, as it must be confessed, no practical jurisdiction or control over the Philippine islands since June 18, 1898, she is without power to pass title to any other nation.

If it be true that at all times since the date named the Philippine republic has been entitled to recognition as a separate national entity, then it must be that ever since such time it has in fact been in strictness a national entity; the recognition being merely the evidence of an existing state of facts and not in itself creating a nation.

I therefore venture to invite your attention, as I do most respectfully, to the precedents established by preceding American secretaries of state, and in so doing apologize for referring to a subject with which of necessity you are more familiar than the representative of the Philippine islands can hope to be.

Mr. Adams, secretary of state, in addressing President Monroe in 1816, said: "There is a stage in such revolutionary contests when the parties struggling for independence have, I conceive, a right to demand its acknowledgment of neutral parties, and when the acknowledgment may be granted without departure from the obligations of neutrality. It is a stage when the independence is established as a matter of fact, so as to leave the chances of the opposing party to recover its dominion utterly desperate."

May I submit to you for your consideration the fact that Spanish recovery of the Philippine islands has been an utter impossibility at any time since the promulgation of the constitution of the Philippine republic, and therefore, within the very language of Mr. Adams, the Philippine republic has for nearly seven months last past been an independent government and as such entitled to recognition?

At a later period Mr. Adams, secretary of state, in writing Mr. Anderson, said that "when a sovereign has a reasonable hope of maintaining his authority over insurgents, the acknowledgment of the independence of such insurgents would be an international wrong. It is otherwise when such sovereign is manifestly disabled from maintaining the contest." In the present case the disability was complete. Spain was, when our independence was declared, at war with another nation many times her superior, and has been for months practically ousted from her possession of the Philippine islands, save one city (Iloilo), which she has now lost.

There having been for nearly seven months but one de facto government prevailing in the Philippine islands, I further respectfully submit to you the fact that the character of such government, as a de facto government, even if it were not more, does not affect unfavorably the question of its recognition; for, as was stated by Mr. Livingston, secretary of state, to Sir Charles Vaughan in 1833:

"It has been the principle and the invariable practice of the United States to recognize that as the legal government of another nation which, by its establishment in the actual exercise of political power, might be supposed to have received the express or implied assent of the people."

It was further said by Mr. Buchanan, secretary of state, in 1848: "In its in-