

Sir:

"We are considering the publication of an editorial on the new fees being charged in the Bureau of Immigration under the Immigration Act and the Alien Registration Act as recently amended. The editorial we have in mind would naturally be critical and we realize that it would probably not make pleasant reading for you (although, to be sure, you are not responsible for the laws it is your duty to execute). Nevertheless we feel that we may count on your assistance in avoiding errors of fact, as you would rightly object to them and we ourselves, have no desire to make things appear worse than they are.

"May we ask, therefore, that you be so kind as to go over the attached few pages of the draft and check them for any possible error and also for possible omissions? We would greatly appreciate your assistance. It goes without saying that we do not have in mind to criticize, directly, either your Bureau or yourself.

"Very sincerely yours, etc."

We were favored with the following very prompt and informative reply:

"Sir: "This is to acknowledge receipt of your letter of July 25, 1952, requesting correction of the draft of your proposed editorial on the new immigration fees which were approved recently by Congress. It has been duly corrected as requested.

"Your editorial will certainly place the question of increase in fees in a very unfavorable light. As you will mention in that article the cost of the journey,—the costs of the photographs required for identification not paid to us, railroad fare, hotel expenses, sea or air transportation, new clothing suitable to the Philippine climate and the loss and expense usually incurred in breaking up a household and setting it up again many thousands miles away, together with the immigration fees, a false impression is necessarily created by your proposed editorial which might serve to discourage the travel of Americans to the Philippines. Nevertheless, we thank you for any constructive criticism as it is your right to make, and we are only explaining to justify our recommendation to Congress.

"Incidentally, we wish to mention the fact that as of April 30, 1952, we have the following number of aliens in the Philippines:

(1) Chinese	145,720
(2) Americans	11,754
(3) Spaniards	2,421
(4) British	1,065
(5) Germans	511
(6) Belgians	288
(7) Other nationalities	2,262
Total	165,976

"Naturally, all of the 165,976 aliens are affected by the two amended acts of legislation. When we recommended the approval by Congress of our revised immigration fees, we had no intention to adversely affect any American, or any alien for that matter, but it was only our intention to follow the recommendation of the Bell Mission which came to the Philippines a few years ago recommending the increase of government income so as to meet the expenses of our Government due to our necessary public services incidental to our independence. We thought of recommending exemption to Americans, Filipino-Americans, and Missionaries from the increase in fees, but since this would have constituted class legislation, we decided that we could not legally do it.

"For permanent residents no increase in immigration fees has been provided with the exception of the annual report fee which was increased from \$0.50 to \$10.00 in view of the importance of the service performed. The head tax was also increased from \$15.00 to \$25.00.

"With respect to aliens who came under pre-arranged employment, the following information is given: "In 1946, only 3 came; 1947—173; 1948—207; 1949—196; 1950—200; 1951—288; and 1952—160; or a total of 1,227 arrivals from 1946 to 1952. Practically all of these paid the old rate of fee of \$20.00. Very few, therefore, came in even under the old rate. The increased rate of \$80.00 for pre-arranged employees is applicable to all nationalities.

"Again we want to state that in recommending the increased rates, we were only guided by the recommendation of the Bell Mission as stated above, as we need funds for public education, public health, peace and order, economic development, and other necessary activities. Whatever increase is made out of the two amendatory legislations, will go to help meet the expenses of the Government.

"It should not be forgotten that even in the United States which has plenty of government funds, its Congress has deemed it fit to increase the rate of taxation and fees; so is also the tendency of other governments throughout the world.

"Very sincerely yours,  
"VICENTE DE LA CRUZ  
"Commissioner of Immigration."

I N reply to this letter of the Commissioner, we should like only to observe, very respectfully, that a bureau of immigration is not generally organized as an entity charged with the function of collecting government revenues, as is a bureau of internal revenue or a bureau of customs. It seems to us that the distinction between govern-

ment taxes and government fees is being lost sight of. The costs of government are met by the levying of taxes, which are paid by everyone. Government fees are generally paid for certain services which directly benefit only those who pay the fees and these are generally just high enough to cover the cost of administration.

Republic Act No. 749, amending the Philippine Immigration Act of 1940, commented upon in another editorial in this issue of the *Journal*, besides

**Aliens Gagged and Denied Right of Appeal to the Courts** increasing various fees charged by the Bureau of Immigration in connection with aliens entering and leaving the country, contains a number of provisions which impress us as not only extremely dangerous but as definitely unconstitutional.

One of these is the following:

"Sec. 7. Section forty of the same Act, is hereby amended to read as follows: . . .

"(d) The Commissioner of Immigration may, in the exercise of his sound discretion, deny the release under bond of any detained alien who is the subject of exclusion or deportation proceedings, and the filing of an action before a court of justice seeking relief from any order, resolution, or decision rendered by immigration officials in connection with the exclusion or deportation proceedings shall not divest the Commissioner of Immigration of the power granted him under this section."

The explanatory note prefixed to the original Bill explained the purpose of this provision as follows:

"Under Section 7, it is stated that the discretionary power of the Commissioner of Immigration to permit the release under bond of an alien subject of exclusion or deportation proceedings is not subject to review or interference by the courts. . . .

Can the right of appeal to the courts be thus denied to anyone, and can the authority of the courts be thus limited? We do not believe so.

There is another provision in the Act which gives broad scope to the most flagrant abuse, particularly in connection with the protection of the authority given the Commissioner of Immigration by the provision just referred to. It runs:

"Sec. 5. The following grounds for deportation are hereby added to, as paragraph (14) of the subsection (a) of section thirty-seven, of the same Act, as amended, to read as follows:

"(14). Any alien who makes a public and malicious or libelous imputation of a crime, or of a vice or defect, real or imaginary, or any act, omission, condition, status, or circumstance tending to cause dishonor, discredit, or contempt of the person of the President or Vice-President of the Philippines, or the members of the Congress of the Philippines without prejudice to whatever action, civil or criminal, the offended party may file against said alien. . . .

This provision renders the Act a most dangerous gag law which can have no conceivable place among the laws of a democratic country such as the Philippines has for some considerable period of years been believed to be.

It is true that the provision applies "only to aliens", but it denies them the right even to protest against the very discriminations which this same Act, in its other provisions, heaps upon them. Are the rights of free speech and press under the Constitution to be reserved exclusively to Philippine nationals? If this should meet with general acquiescence among them, then they themselves will in time be inevitably stripped of these same rights, for they can not be preserved by those who fail to recognize the necessity of their universality. It is not possible to maintain democracy undemocratically. Those who undermine it surely dig a pit for themselves.

"The American 'Alien and Sedition Acts'"—"The troubles with France [during the administration of John Adams], which for the moment had increased the strength of the Federalists and had enabled them to win their last political victory in the congressional elections of 1798-1799, was in the end to prove their undoing. Taking advantage of the war future and the temporary weakening of the Republicans, they pushed through Congress in 1798 four acts known collectively as the alien and sedition acts. A Naturalization Act lengthened the period of residence necessary for citizenship from 5 to 14 years while two alien acts gave the President the power to expel from the country aliens judged dangerous to the peace and safety of the United States and in time of war to expel or restrain aliens as he deemed fit. The alien acts were both enforced, but the accompanying Sedition Act, which made it a crime under penalty of fine or imprisonment to write or publish any false, scandalous, or malicious statement concerning the President or either house of Congress, or bringing into contempt or disrespect any officer was enforced. We might have given a partial excuse for some of this legislation, but the

# Philippine Better Roads Association, Inc.

By P. J. DAYRIT

Executive Secretary and Legal Counsel

**T**HE Philippine Motor Association, principally through its President, Mr. Benito Legarda, is credited with much of the spade-work that initiated the Better Roads movement in the Philippines.

The first organization meeting of the Philippine Better Roads Association was held in the Manila Hotel on September 21, 1951, and on the 29th of the following month, a meeting of the members took place in the same hotel at which the following men were elected to serve until the annual meeting held on January 28 of this year.

President .....	Jose P. Marcelo
Vice-President .....	Cirilo Paredes
Treasurer .....	Roy Davis
Secretary .....	David SyCip

After the recent annual meeting, the present Board was constituted as follows:

R. J. Monical, Caltex (Philippines), Inc.
M. E. Holt, Firestone Tire & Rubber Co.
Roy Davis, Goodyear Tire & Rubber Co. of the Philippines
John D. Coon, International Harvester Co. of Philippines
B. G. Brandt, Luzon Stevedoring Co.
Jose P. Marcelo, Marcelo Rubber & Latex Products
Cirilo Paredes, Nalatroa
David SyCip, Northern Motors, Inc.
Eduardo Melian, San Miguel Brewery
Pete Syquia, Rizal Motors, Inc.
J. A. Parrish, Standard Vacuum Oil Co.

Mr. Marcelo was elected President while Mr. Monical was elected Vice-President, Mr. Davis, Treasurer, and Mr. SyCip, Secretary.

**O**NE of the outstanding developments in 1951 was the increasing trend among governments to welcome the cooperation of industry and business in highway planning and construction.

Despite the worldwide surge in roadbuilding, temporarily aided by large expenditures of the United States for this purpose in Europe, Africa, Asia, and Central America, there remains the almost universal difficulty of insufficient funds for highways. This prevents both effective planning and adequately stabilized programming of highway development.

This and other problems impeding the extension and improvement of highway systems and the unrestricted use of highway transportation can be solved more readily by government and industry working together. The national good-roads associations affiliated with the International Road Federation (IRF) have intensified their efforts to bring about such teamwork. This unity of interests holds the hope of an accelerated highway development and more rapid social and economic progress as a consequence.

**T**HE Chilean Association, for instance, received official recognition for its contribution to highway development in a national decree, and the President of the Association was made a member of the Council of Ways and Communications, giving him a voice in the planning and coordination of all the communications of the country. (Comparable recognition had been given earlier to the IRF's Brazilian associate). One of the outstanding

achievements of the Association was its successful campaign for an anti-diversion clause in a law concerning gasoline and oil levies.

The Bolivian Association worked for an official routing of the Pan-American Highway in Bolivia. The Government recently established such a routing, this forming the backbone of the future national highway development in the country.

The Peruvian Association in 1951 successfully concluded a campaign for a six-year highway-development program and for government adoption of the contract system in highway construction.

Among the many other activities of this Association is a drive for the creation of a national highway council, to be composed of government and private enterprise representatives, which would decide highway policy.

The Ecuadorian Association has been administering a limited program involving the expenditure of approximately \$1,000,000 yearly for highway improvements and maintenance.

The Indian Association, while promoting a rural road-program, has worked against nationalization of highway transportation and is campaigning for a separate budget for the national road system, with a central board in charge of all revenues raised from road users. It is constantly working for the removal of present discriminatory measures hampering the development of road transportation,—for example, the present excessive taxation and the restrictions preventing long-distance haulage.

The Belgian Association is working for the creation of a road fund to provide the necessary continuity required for an improved road system. In addition, this group is undertaking the publication in French of outstanding technical manuals published abroad.

The British Association, which represents more than 200,000 various business and industrial interests, is leading campaigns for an increased highway budget and for correction of traffic bottlenecks. The Association implements its campaigns with films, pamphlets, books, and radio programs and is carrying out an intensive educational program in the schools.

The Canadian Association, in addition to supporting the Trans-Canadian Highway project, is developing a national roads-research institute with the cooperation of government, industrial, and educational leaders.

The Spanish Association has five specialized sections: Technical, Construction, Manufacturers and Distributors of Equipment, Road Users, and Education. All work closely with the government authorities.

The French Association was instrumental in the removal of gasoline rationing in France.

Comparable activities are being carried out by the many other associate national members of the IRF. Each association strives to have its national government define and establish a long-range highway program; to assure the necessary financing for the construction, maintenance, and operation of such a program; and to obtain public support for these aims.

Republicans had a well-grounded suspicion that it was aimed at them rather than at the enemies of the Republic. Many French aliens were residents in America, and with few exceptions they were active in Republican politics. Of some 25 persons arrested and 10 convicted under the Sedition Act, most, it was noticeable, were Republican editors or politicians, thus conveniently eliminated.

"The Sedition Act was a boomerang. Wise leaders of the Federalist Party, such as Hamilton and Marshall, had advised against it but with no success. The Republicans, who considered the acts directly aimed at their party and who hailed everyone convicted as a martyr, actively opposed them, and Republican leaders decided to make a direct appeal to the States. Madison drew up resolutions passed by the Virginia legislature and Jefferson's resolutions passed by Kentucky. . . . The Kentucky resolutions called upon the other States to concur in declaring the alien and sedition acts void and to unite in requesting their repeal. Both resolutions instructed Congress had violated the First Amendment, and in this they were quite correct.

"Important as are the Virginia and Kentucky resolutions in the history of American political theory as the first platform of the States' rights movement, their immediate purpose was largely that of a political truce at Federalism. But the day of the Federalists was almost ended. The temporary patching of the differences with France undermined their prestige, factional fights weakened their position, taxation imposed in preparation for war aroused opposition, the alien and sedition acts were unpopular, and the common man distrusted the party of the 'rich and well born' . . .

"Working closely with Congress and taking an active part in the framing of legislation proceeded to undo what he considered some of the worst abuses of Federalist rule. The Naturalization Act was repealed and the 5-year period necessary for citizenship restored. The alien and sedition acts having expired in 1801, Jefferson pardoned persons convicted under them. . . .—Harold Underwood Faulkner: "American Political and Social History."