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RANDOM THOUGHTS

This month I will crib Round Table Thought as phrased by Judge D. R. Williams in his article appearing in the November issue of the Virginia Law Review, entitled "Is Congress Empowered to Alienate Sovereignty of the United States."

There is a big difference between investing Congress with the power to extend political rights and government to a people occupying territory under the sovereignty of the people of the United States and investing Congress with the power to alienate sovereignty over United States Territory. The people of the United States have invested Congress with the right to create a government for people occupying Territory of the United States but the people of the United States never have invested Congress with the power to alienate Sovereignty, and what is more, the people of the United States never will invest Congress with the power to alienate Sovereignty.

So absolute sovereignty over the Philippines is now vested in the people of the United States, so ceded by Spain in the treaty of Paris. The clause of this treaty ceding sovereignty as construed by Chief Justice Fuller of the Supreme Court of the United States means that: "The Philippines thereby ceased, in the language of the treaty 'to be Spanish'. Ceasing to be Spanish they ceased to be foreign country. They came under the complete and absolute sovereignty and dominion of the United States and so became territory of the United States over which Civil government could be established."

The proposition is elementary that in the United States "the people are sovereign." Inasmuch, however, as there is a growing tendency on the part of Americans generally to forget or ignore the fact, and to acquiesce in the gradual encroachment upon their rights by governmental agencies, it is well to stress the point. How our system of government differs in this regard from those of European countries, was clearly brought out by Chief Justice Jay where he said: "Sovereignty is the right to gov-

ern; a nation or state-sovereign is the person or persons in whom that resides; in Europe the sovereignty is generally ascribed to the prince; here it rests with the people; there, the sovereign actually administers the government; here, never in a single instance; our governors are the agents of the people, and at most stand in the same relation to their sovereign, in which regents in Europe stand to their sovereigns. Their princes have personal powers, dignities and pre-eminencies; our rulers have none but official; nor do they partake in the sovereignty otherwise, or in any other capacity, than as private citizens."

It follows as a consequence that sovereignty over all territory belonging to or acquired by the United States is vested in the American people as a whole, and is held for their use and benefit.

Since the United States became a nation—now nearly one hundred and fifty years—not a square foot of territory, once brought under the American flag, has ever been alienated. In certain cases of disputed boundaries, or where question of title was involved there have been adjustments, but the record discloses no single instance where sovereignty, admittedly invested in the people of the United States, has been transferred or withdrawn. The issue whether or not Congress has constitutional authority in the premises has never been before our courts for decision.

Our action as to Cuba and the Isle of Pines furnishes no precedent for alienation. Cuba was not ceded to the United States and the question as to the Isle of Pines arose with the Cuban government as to whether such island was ceded to the United States by the treaty of Paris or constituted an integral part of Cuba. The doubt was resolved in Cuba's favor.

Alienation of sovereignty is not an incident to nor remotely included within the power to "Legislate," but is diametrically opposed thereto.

Points for the layman to remember in relation to sovereignty over the Philippines.

Absolute sovereignty over the Philippines is vested in the people of the United States.

Eighty per cent of the Public Domain of the Archipelago ceded by the treaty of

Paris is state land and is a part of the Public domain of the United States.

The Federal government, in acquiring territory, acts simply as agent of the people.

To alienate sovereignty, Congress must have express authority from the people of the United States.

No territory where title was undisputed, has ever been alienated by the United States.

Right to alienate sovereignty not among express or implied powers of Congress. An attempt to put such power in the Constitution of the United States was rejected.

Power of Congress over territories merely that of legislating therefor.

Power to alienate sovereignty not an incident of legislation.

Powers of Congress cannot be extended by treaty. The power of Congress comes from the people of the United States. And the power to alienate sovereignty can only be conferred upon Congress by Constitutional amendment in the manner stated by the Constitution.

Judge Williams has certainly stated the case clearly. Here we add a thought of our own.

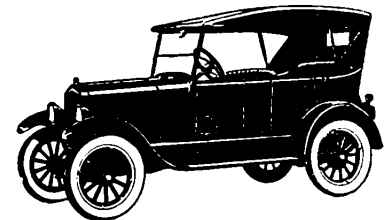
The best thing to do under the circumstances is to forget all the politicalisms and everybody start in with the New Year to make the Philippine Archipelago in fact what it is in potential: The richest tropical area under the sun. It is capable of producing comfort and happiness for ten times the number of people it contains.

SIXTH ANNUAL MEETING

The sixth annual meeting of the Chamber of Commerce will be held at the rooms of the Chamber, 14 T. Pinpin, upstairs, at 4 p. m. Saturday, January 30, in accordance with provisions of the by-laws. Successors to Directors C. M. Cotterman, E. F. Elser and A. W. Beam are to be chosen for terms of three years, and four alternate directors for terms of one year to succeed Messrs. Carl Hess, Leo K. Kotterman, H. M. Cavender and M. M. Saleeby.



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