

CONGRESS AND TERRITORIES

The Duty of the American Republic to the Cause of Liberty and Humanity.

EX-SPEAKER GROW ADDRESSES HOUSE

The Legislative Power of Congress Over Territories Is Defined—Our Unsought Responsibility Must Not Be Shirked—The Flag Represents the Sovereignty of the Nation. Laws Must Be Uniform—Extent of the Constitution—A Masterly Presentation of the Case by the Susquehanna Statesman.

By Exclusive Wire from The Associated Press.

Washington, Dec. 10.—Ex-Speaker Galusha A. Grow addressed the house today upon needs of additional legislation for the Philippines, clearly defining the power of congress to act in the matter and calling attention to the obligations of the United States. Mr. Grow's address was listened to with close attention.

Mr. Grow said: Mr. Speaker, the president in his message to congress says: "The time has come when there should be additional legislation for the Philippines."

"We hope to do for them what has never before been done for any people of the tropics to make them fit for self-government after the fashion of the really free nations."

This declaration of the president represents the universal sentiment of the American people. What ever honor desires organized government over a people, is morally bound in the form of nations to see to it, that a government equally, if not more efficient for the protection of life and property is established to take the place of the government overthrown.

In the former of war, the United States of America destroyed the government of Spain over the group of islands in the Pacific ocean, including on the Chinese sea, known as the Philippine archipelago, containing an area of about one hundred and twenty thousand square miles, with eight or nine millions of inhabitants of all degrees of civilization.

In the treaty of peace, concluded between Spain and the United States, it was stipulated that "the civil rights and political status of the native inhabitants of these islands, should be determined by the congress of the United States."

It is our duty to see to it that the government established by the congress of the United States, over territory belonging to the United States, is not inferior in any respect to the government established by the congress of the United States, over territory belonging to the United States.

Justice Brown in delivering the opinion of the Supreme court in the case of Downes vs. United States, 1899, 183 U. S. 160, 183, said: "The personal and civil rights of the inhabitants of territories are secured to them as to other citizens by the principles of constitutional liberty, which constitute the agencies of government, state and national. Their political rights are franchises which they hold as privileges in the legislative discretion of the congress of the United States."

Justice Brandeis in delivering the opinion of the Supreme court in the case of Downes vs. United States, 1899, 183 U. S. 160, 183, said: "The practical interpretation laid by congress upon the constitution, has been long continued in the legislative discretion of the congress of the United States."

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constitution; and in the language of the Supreme court of the United States, "by the fundamental principles of civil and religious liberty which restrain all the agencies of government, state and national." There is no department of the government that can rightfully sit in judgment upon the wisdom of the exercise by congress of its discretion in legislating for the territories; and more than that it can sit in judgment upon the wisdom of a declaration of war by congress and the measures necessary to be adopted to bring it to a speedy and successful close.

Power of Congress. A specific, clearly defined grant of power to congress in the constitution, carries with it the exercise of all legislative powers necessary to make the power specifically granted, efficient. Congress alone determines what is necessary in such cases. Any attempt by a court to do it would be judicial legislation, which is strictly forbidden in the constitution.

Article I, Section 8, of the constitution declares that "All legislative powers herein granted, shall be vested in a congress of the United States."

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chance or compact, only when, and so far, as congress shall direct." This doctrine is in accordance with the letter of congress and intention for more than a hundred years.

Territory acquired either by conquest, or by purchase, or both, ceases to be foreign territory and becomes territory belonging to the United States on the ratification of a treaty of peace, or of the treaty for its purchase. But it cannot judicially become part of the United States until legislation by congress. Territory belonging to the United States can not be the subject of a part of the United States. That is a judicial impossibility. Like the action in natural philosophy, two bodies cannot at the same time occupy the same space. No territory, parcel of any territory, belonging to the United States can become a state, or a part of a state, without an Act of congress.

Extent of the Constitution. The United States, which forms the American people, in a geographical sense, is all the territory subject to the jurisdiction of the govern-

ment of the United States, and in the language of the Supreme court of the United States, "by the fundamental principles of civil and religious liberty which restrain all the agencies of government, state and national." There is no department of the government that can rightfully sit in judgment upon the wisdom of the exercise by congress of its discretion in legislating for the territories; and more than that it can sit in judgment upon the wisdom of a declaration of war by congress and the measures necessary to be adopted to bring it to a speedy and successful close.

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