Civil Liberties
in
American Colonies

This pamphlet is published to bring before the American public the issues of democratic rights in our island territories for the purpose of arousing support for remedial legislation in Congress.

THE AMERICAN CIVIL LIBERTIES UNION
31 Union Square West
New York City

February, 1939

10 cents
Note

Since 1898 the following territories have come under the Stars and Stripes:

<table>
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<tr>
<th>Territory</th>
<th>Date Annexed</th>
<th>How Obtained</th>
<th>Square Miles</th>
<th>Population</th>
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</thead>
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<tr>
<td>Philippine Islands</td>
<td>1898</td>
<td>Spanish-American War</td>
<td>115,026</td>
<td>13,266,700</td>
</tr>
<tr>
<td>Hawaii</td>
<td>1898</td>
<td>Annexation</td>
<td>6,450</td>
<td>396,715</td>
</tr>
<tr>
<td>Guam</td>
<td>1898</td>
<td>Spanish-American War</td>
<td>210</td>
<td>22,132</td>
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<tr>
<td>American Samoa</td>
<td>1899</td>
<td>Annexation</td>
<td>76</td>
<td>12,241</td>
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<tr>
<td>Wake and Midway Is.</td>
<td>1898</td>
<td>Annexation</td>
<td>29</td>
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In the Caribbean:

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<th>Square Miles</th>
<th>Population</th>
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<td>1898</td>
<td>Spanish-American War</td>
<td>3,435</td>
<td>1,723,715</td>
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<tr>
<td>Virgin Islands</td>
<td>1917</td>
<td>Purchase</td>
<td>132</td>
<td>22,012</td>
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Total Area and Population: 125,357 square miles, 15,443,633 population.

Population given for the Philippines is estimate as of 1936; for Hawaii, estimate as of 1937; Guam, a Navy Department count in 1937; Samoa, 1938; Wake and Midway, 1936. Puerto Rico, census of 1935; Virgin Islands, census of 1930.

This pamphlet is limited to the portions of the American overseas "empire" where American officials control native populations of different racial or cultural heritage.

The Canal Zone and Alaska are not covered because the dominant populations of these areas are American and the problems of civil liberty are much the same as in the United States proper.

The American Civil Liberties Union first published in 1933 a pamphlet "Civil Liberties in American Colonies" of which this is a revision brought up to 1938. In those five years conditions have changed for the better in our relation to the Philippines and the Virgin Islands; for the worse in relation to Puerto Rico; and remain in the same deplorable state in relation to Guam and Samoa. Hawaii's status has been too firmly fixed as part of the United States to be affected by a colonial policy, or lack of it.

This pamphlet sets forth the essential facts in recent years and suggests the remedies obviously needed. The aid of interested readers of this pamphlet is solicited.

The Union acknowledges with appreciation the services of Alfred H. Sinks of New York as compiler and editor of this material.
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Civil Liberties in American Colonies

At the conclusion of the Spanish-American war in 1898 the United States found itself suddenly, for the first time in its history, the ruler of overseas colonial possessions entailing responsibilities for which it was utterly unprepared. No constitutional or legal provision existed either for extending our form of government to possessions or for establishing a colonial policy.

The fact that these possessions were inhabited by non-English speaking peoples of diverse background was an obstacle to incorporating them as states or territories of the Union. The record made by forty years of administration is not a commendable one. The promise to prepare these peoples for independent, democratic self-government has remained largely unfulfilled.

Conflict between the American rulers and the black, brown or white native peoples arises from an attitude of superiority. No better evidence of it can be cited than the imposition of the English language on children in the schools, the employment of American teachers particularly in the higher grades, and the adoption of the traditional American school education, regardless of students’ practical needs.

Exploitation of natural resources and of commerce by American interests has intensified political control and made difficult for native workers and peasants the organization of their own forces. The benefits of American rule are largely confined to measures of sanitation, health and road-building.

The forms of government adopted for the colonies have varied, partly because of the differing needs of different peoples, largely for reasons of political expediency. Hawaii, where a group of Americans had control of the country before annexation, became an incorporated Territory, and its inhabitants became citizens of the United States. The Philippines were regarded as a temporary possession, to be fitted for self-government, and citizenship was not extended to their people. Puerto Rico has the anomalous status of a Territory “organized but not incorporated” as a part of the United States. Its inhabitants are United States citizens.
All the colonies are governed by officials appointed from Washington, with the exception of the Philippines where a High Commissioner represents the United States during the period of a Commonwealth Government until 1945, when independence is presumably to go into effect. In all the colonies including the Philippines the judicial system is under the ultimate control of the United States Supreme Court. Only the two colonies with territorial status, Hawaii and Puerto Rico, have delegates in the United States Congress, with a voice in matters affecting the territories but no vote.

Since the settlement of the status of the Philippines by the Independence Act of 1934, Puerto Rico presents the most acute problem in its relation to the United States. Either independence, statehood, or greater self-government are demanded by all the political parties. The extreme nationalist movement, bitterly opposed to American rule, is the object of constant repression.

Of the smaller colonies, the Virgin Islands have benefited greatly by the passage by Congress in 1936 of an act establishing a civil government, extending the franchise, and guaranteeing civil liberties. The natives became American citizens in 1929. Samoa and Guam, however, remain under dictatorial rule by the Navy Department without even a status defined by Congress. The inhabitants are not American citizens.

Certain countries not covered in this pamphlet can, broadly speaking, be considered part of America's colonial empire. United States intervention in the internal politics of Cuba, especially support of the dictatorship of Machado up to August, 1933, has resulted in a chaotic state of affairs in which democratic rights have become insecure. United States marines were not withdrawn from Haiti and the Dominican Republic until 1934. The present dictators of those countries took office and consolidated their power under the protection of American intervention. Furthermore the United States still exerts a large measure of control through collection of the customs of those countries, through powerful American "advisors," and through the influence of American citizens with large economic interests.
Maintenance of civil liberties in the colonies is essential to political or economic reforms of any sort. Only by organization and agitation can natives express their desires and needs. Achievement of this depends not only on freedom of speech, press and assemblage, but also on the forms of American control, which limit political participation.

The conflicts over the efforts to suppress native protests and aspirations are numerous and complicated. The Civil Liberties Union has acted as best it could at long distance by aiding native organizations to secure their political and civil rights and by bringing pressure to bear on Congress, and is continuing to do so.

The steps which should now be taken to extend civil rights in the colonies are:

1. To permit Puerto Ricans to vote on genuine independence or on statehood.
2. To change the present administration in Puerto Rico by appointing officials who will permit the free exercise of civil rights, and extend self-government.
3. To adopt forms of civil government for Samoa and Guam to replace naval rule, with citizenship for the natives.
4. To substitute as rapidly as practicable school instruction in native languages for instruction in English—in Puerto Rico, Guam and Samoa.
5. To combat any pressure in the United States to weaken the terms of independence for the Philippines, or to extend its realization beyond 1946. To secure for the Philippine Commonwealth American advisers of progressive mind.
6. To extend native participation and responsibility in the government of the Virgin Islands.
7. To permit Hawaii to vote on changing its territorial status to statehood.
Puerto Rico

THE mountainous island of Puerto Rico, roughly rectangular in shape, is about 35 miles wide (from north to south) and 95 miles long, with an area about two-thirds that of Connecticut. It holds a population of about 1,800,000, with a density of 529 persons to the square mile, one of the most crowded areas in the world. Although its economy is almost entirely agricultural, the tillable land per person is only seven-tenths of an acre. Extreme poverty is the result, aggravated by exploitation by American sugar interests. The people are three-fourths of Spanish descent; about one-fourth are mulatto or Negroes. The dominant religion is Roman Catholic.

Government

The form of government is determined by the so-called Jones Act of 1917, as amended in 1927. The act granted universal manhood suffrage and American citizenship to all who signified their desire to become citizens. Suffrage was extended to women by the legislature in 1929.

The legislature consists of a Senate of 19 members and a House of Representatives of 39 members, both elected by direct popular vote. The Governor, the Attorney-General, the Auditor, and the Commissioner of Education are appointed by the President of the United States with the approval of the United States Senate. The heads of the four other executive departments—Interior, Agriculture and Commerce, Labor, and Health—are appointed by the Governor. The five justices of the Supreme Court are appointed by the President of the United States. Appeals from the Supreme Court go to the United States courts.

Thus, while the legislature is in native hands, the executive and judicial branches are controlled from Washington. In spite of a liberal organic act and Bill of Rights, the degree of self-government and civil liberties enjoyed by Puerto Ricans depends on the inclination of the particular administration in office.

Education

In the field of education, the United States has what is generally considered a highly commendable record. Since the island
The Ponce Massacre

was acquired from Spain in 1898 some 2,200 schools have been established. From 80 per cent, illiteracy had been reduced to 35 per cent by 1936. Free, compulsory public education is the law, but the system is able to take care only of about 45 per cent of the children of school age. A university of excellent academic standing enlists about 5,000 students.

This excellent record is considerably compromised by compelling students to carry on their studies in English, a foreign language. For three centuries the language of the country has been Spanish. The use of English is justly regarded by Puerto Ricans as an arrogant attempt to uproot their own cultural traditions. Over-zealous Anglicizers have even attempted to teach the Spanish classics in the English language! The compulsory use of English is among the American policies which serves to intensify anti-American feeling and to heighten the desire of Puerto Ricans for political independence.

The Independence Movement

The repeated suppressions of civil rights that have in recent years marked the administration of Puerto Rico have all been aimed at the movement for political independence, which has been strong both under Spanish and American rule.

Revolutionary struggle against Spain began as far back as 1811, the year in which Venezuela declared her independence. Armed revolutionary uprisings took place repeatedly. The best remembered is that of 1868, known as the Grito de Lares, when the revolutionaries declared the "Republic of Puerto Rico." It is ironical that the revolutionary flag of Puerto Rican independence is of a design obviously inspired by the flag of the United States.

In 1898, in the war with Spain, the independence forces helped to bring about the victory of the United States, although Spain had decreed autonomy for Puerto Rico in 1897. One group in Puerto Rico regarded an American victory as promising early independence, while others felt that freedom had already been assured by Spain.

The movement for independence continued under American rule. For years it was a cardinal principle of the Unionist Party, under the leadership of Luís Muñoz y Rivera. In 1922 a second
and more extreme party sprang up, devoted to the winning of independence, known as the Nationalist Party. The movement for greater independence has characterized all Puerto Rican parties. Those which did not demand complete independence urged statehood. At present complete independence is the aim of the Liberal and the Nationalist Parties; while statehood is the aim of the Republican Party. The Socialist Party, which with the Republican, controls the island legislature, is not committed on future political status.

The struggle for independence is rooted in economic distress, due to a near-monopoly of the land and industry by American interests. It seems hopeless to most Puerto Ricans to break that monopoly while absentee owners are protected by a colonial government. The result has been in recent years a resurgence of the independence movement on a much more militant footing. The Nationalist Party, reconstituted during the depression, sees independence as a right and a necessity, and advocates revolutionary means for attaining it. Though small in number and extreme in tactics, it expresses a wide sentiment, formulated by the other parties in more cautious and conciliatory form.

Civil Liberties

Flagrant violations of civil rights were few until recent years. In 1931, the Unionist Party was barred from the ballot by the Puerto Rican Supreme Court, and strong reasons support the charge that it was due to the party's campaign for independence. In the same year the late Senator Antonio Barceló, leader of the Unionists, was refused use of the radio in New York City to broadcast a pro-independence speech, and in San Juan the Radio Corporation refused to carry the speeches of Unionists and Nationalists. At the University of Puerto Rico students were expelled for signing a manifesto calling for Puerto Rican independence.

These incidents of 1931 have since paled into insignificance compared with the suppression under the quasi-military regime of the present governor, Major General Blanton Winship, U.S.A., retired (he is in his 70th year), who took office in February, 1934. Appointed as a non-political administrator, he has aroused almost universal political opposition.
Under his administration freedom of speech and assembly have repeatedly been denied, teachers have been summarily discharged or disciplined for their views, violence by the militarized police has resulted in deaths and in injuries running into the hundreds. Courts of law have been used as instruments to support American colonial rule. Suppression has aroused violence by extremist youths among the Nationalists, who have attempted acts of assassination and in two instances killed an American official.

The first serious incident occurred late in 1935 when four Nationalists and a bystander were killed and a policeman seriously wounded in a fracas arising when Nationalists in an automobile approached a student meeting at the University of Puerto Rico with the alleged purpose of disrupting it. The meeting had been called to protest alleged slanders on the students in a radio address by Dr. Albizu Campos, leader of the Nationalists. At the funeral of the four young men Dr. Albizu Campos called for vengeance on the deaths, declaring, according to reliable reports, that the life of “one continental oppressor” should be forfeited for each man killed.

In February, 1936, Chief of Police Francis E. Riggs was shot and killed by Elias Beauchamp, a young Nationalist. The police arrested Beauchamp and a companion, Hiram Rosado, on the spot, and killed them a few hours later in the police station for “attempting to seize arms.” Had the two young men been allowed to come to trial, doubtless public sentiment in Puerto Rico would have been solidly with the administration, for Col. Riggs was popular. But the police killing aroused public indignation. A public funeral was given the two Nationalists and was attended by thousands of people. Beauchamp and Rosado came to be regarded as martyrs.

As American citizens, the Puerto Ricans had been in the habit of celebrating the Fourth of July as a patriotic holiday. In 1936, however, thousands participated in demonstrations against celebration of the holiday. In the midst of the agitation following the death of Col. Riggs and his assassins, the administration caused a bill for a vote on independence to be introduced in Congress, apparently in an effort to bring the movement to a head. It was couched in such terms, however, as to be bitterly opposed in
Puerto Rico on the ground that it would fasten American economic control on the island tighter than ever. The proposal was dropped and never came to a vote.

**Prosecution of the Nationalists**

The government then proceeded to try the leaders of the Nationalist Party, Dr. Pedro Albizu Campos, its chairman, and seven others, for a seditious conspiracy to overthrow the government of the United States. It was clearly shown by the indictment that the intention was to try Albizu and the others as accomplices in the assassination of Col. Riggs. By making the charge sedition, however, the authorities were able to bring the case in the federal court, where they controlled the machinery more completely than in the insular court.

The American Civil Liberties Union at once opposed the prosecution on the grounds that the charge of sedition against the United States was a paradox, when Puerto Rico had been virtually offered a vote on independence, and that the men were being tried for their political beliefs. The Union insisted that if the defendants were to be connected with the assassination, they should be tried in the insular courts. But the government was determined on a conviction to curb the Nationalists.

The first jury arrived at no verdict and the case was retried. The second jury included ten Americans and only two Puerto Ricans. On the basis of utterances and printed matter the jury brought in a verdict of guilty, and the defendants were sentenced to from six to ten years in the federal penitentiary at Atlanta where they are now serving.

The case was carried by the Nationalist Party to the Circuit Court of Appeals at Boston, where the American Civil Liberties Union joined the defense, filing a brief *amicus curiae*. The Court of Appeals sustained the convictions on February 12, 1937. An effort was then made to get the United States Supreme Court to review, the American Civil Liberties Union aiding. The Court refused the appeal. The prisoners decline to apply for pardons on the ground that they cannot as opponents of American rule ask a favor of their oppressors. A petition for pardon on their behalf will be submitted to the President by the American Civil Liberties Union and others.
After the conviction of the Nationalist leaders suppression of civil rights became more severe. Nationalists and their sympathizers were denied permits to hold meetings and parades. In one instance troops surrounded a church and denied entrance to thousands of Puerto Ricans who had come to attend mass in celebration of a patriotic holiday. Where permits for meetings were granted, speakers were told in advance what they might and might not say.

**The Ponce Massacre**

The most spectacular and tragic of the clashes between the independence movement and the authorities took place in the city of Ponce on Palm Sunday (March 21), 1937. Some members of the Nationalist Party had applied to the Mayor for a permit to hold a parade and demonstration. The permit was granted, but on the day set the Mayor under pressure by the Governor revoked it. The chief of insular police himself went to Ponce for the purpose of influencing the mayor. The pretext used was that the parade was to be in reality a movement of military forces. The basis for this fantasy was the fact that the uniformed Nationalist organization grandiloquently entitled the "Army of Liberation," was to participate in the parade.

When notice that the permit had been withdrawn was given, the paraders had already gathered, many of them being from out of town. The uniformed cadets, together with a contingent of girls dressed as Red Cross nurses formed a line in the street outside the Nationalist headquarters, to the number of about 80 or 90. A crowd had gathered to watch the start of the parade. Facing the line of young Nationalists were between 150 and 200 heavily armed police. At about three o'clock the leader ordered the parade to move. As the first steps were taken, a shot rang out. It has not been established whether the first shot was fired by a policeman or came from among the spectators. It is definitely established that it did not come from the parading Nationalists. It was immediately followed by a withering fire from the police. The police had blocked off the street in both directions so that escape was impossible. By the time the firing stopped, 20 people had been killed or fatally wounded, including two policemen, and between 150 and 200 not fatally wounded.
At once conflicting reports of the event began to fly about the island. The police version charged the Nationalists with armed resistance. The Nationalists, denying they had any arms, accused the police of a wanton massacre to enforce their order against parading. Impartial Puerto Ricans decided to set up a commission to investigate the tragedy and invited the Civil Liberties Union to name its chairman. The Puerto Ricans named were:

Emilio S. Belaval, president of the Atheneum of San Juan.
Mariano Acosta Velarde, president of the San Juan Bar Association.
Fulgencio Pinero, president of the Teachers Association.
Manuel Díaz García, past president of the Medical Association.
Francisco M. Zeno, editor of "La Correspondencia," San Juan.
Antonio Ayuso Valdivieso, editor of "El Imparcial," San Juan.
José Dávila Ricci, of the editorial staff of "El Mundo."

The American Civil Liberties Union sent its general counsel, Arthur Garfield Hays, to act as chairman. After a series of hearings with scores of witnesses, the Commission unanimously reported its findings at a public meeting in San Juan attended by 10,000 people. It found that the "Ponce Massacre was due to the denial by the police of the civil rights of citizens to parade and assemble," and that "this denial was ordered by the Governor of Puerto Rico." The policemen killed, the Commission found, were shot by police cross-fire.

The report aroused popular hostility to the administration, which sought to counter it by discrediting the commission, attacking the American Civil Liberties Union as "red" and insisting on its version of armed resistance to the police. The report was promptly published in pamphlet form and widely distributed.

Reprisals were visited on witnesses before the Commission and on independence sympathizers. Señora Inez Mendoza de Palacios, a high school teacher with a long and honorable record was discharged for testimony given before the Hays commission against the educational effects of the compulsory use of English in the schools. Two high school teachers, Irving Geldman and Samuel D. Freeman, were dropped after it was found they entertained too liberal views. Frederick Sackett, Jaime Benítez, George Warreck, and Lewis C. Richardson of the University of Puerto Rico.
were denied appointments for the summer term, 1937, for their pro-independence views. Richardson was let out altogether.

Eleven Nationalist leaders were indicted for the killing of the policemen. Their case came to trial in September 1937 and dragged along until mid-December, ending in a mistrial. Tried again, all the Nationalists were acquitted. Two policemen indicted also for murder of the paraders were later tried and acquitted.

Following the Ponce incident, Nationalists have engaged in attempted assassination of American officials—once shooting at Judge Robert A. Cooper, the judge who presided at the Albizu Campos trial, and once at Governor Winship. One of the governor’s aides was killed. The assailants were arrested, tried and convicted.

The aftermath of the Ponce trials and the Nationalist acts of revenge has been persistent repression, not only of meetings and political activity but of sympathizers with the independence movement. Through control by the government of almost all the jobs open to educated Puerto Ricans, reprisals against teachers and public employees have been easy. A Labor Department employee was forced to resign for working on a committee for the defense of Albizu Campos. The organizers of the Puerto Rican Association for Civil Liberties, formed after the inquiry into the Ponce massacre, have been attacked and harassed into impotence.

The commission which investigated the Ponce affair, called "The Commission of Inquiry on Civil Rights in Puerto Rico," expressed the following conclusions:

"Civil liberties have been repeatedly denied during the last nine months by order of Governor Blanton Winship. He has failed to recognize the right of free speech and assemblage. Force has been threatened toward those who would exercise these rights.

"The Regulation of the University of Puerto Rico, passed September 26, 1936, is designed to curb academic freedom and should be cancelled.

"The people demand and have a right to free speech, free assemblage and to petition by parade for a redress of grievances."
The Commission is hopeful that Governor Winship will make public a proclamation of his willingness to abide by constitutional guarantees.

"The commission does not want this report to be interpreted to mean that civil liberties are dead in Puerto Rico. The mere fact that this commission has held public meetings both in Ponce and San Juan, is an indication to the contrary. There has been a free press; there have not been prosecutions for criminal libel. The claim of discrimination in work because of men's views is not sustained by evidence, although suspicion is still there. We feel the evidence indicates that, in many instances, the people are unduly suspicious. One usually finds what he looks for, and perhaps less cynicism would be helpful. Civil rights are never dead until they die in the hearts of the people. Governments do not make liberty; the people do."

American prestige in Puerto Rico is now at its lowest. The policies of the present administration have given weight to all the accusations of "Yankee imperialism" that have been made against the United States. Thus instead of crushing the independence movement these policies have fanned the flames of hatred and suspicion and intensified the desire to be free of American domination. All over Latin America, Puerto Rico is held up as an example of colonial misrule so obvious as to challenge the good faith of the "good neighbor" policy, while in Puerto Rico itself, disillusionment with American professions of liberty and democracy has grown apace.

The American Civil Liberties Union has organized a Committee for Fair Play to Puerto Rico with Oswald Garrison Villard as Chairman, Prof. William L. Nunn as Vice-chairman, and Earl P. Hanson as Secretary.
The Virgin Islands

The Virgin Islands lie about fifty miles east of Puerto Rico. They comprise the islands of St. Thomas, St. Croix, and St. John, together with about fifty smaller islands, most of which are uninhabited. Ninety-five per cent of the population of 22,000 are Negroes, described in a Congressional report as the "most intelligent Negro population in the world." Since the census of 1930 some 5,000 Puerto Ricans have come to the islands. Both natives and Puerto Ricans are engaged chiefly in the sugar industry, and in shipping at the port of St. Thomas. Economic conditions have been constantly so bad that President Hoover referred to the islands as "our poor house."

English is spoken by all but two per cent of the people. Free public education is in effect, with instruction through high school, and with scholarships at the University of Puerto Rico and American universities. The percentage of illiteracy is trifling.

After purchasing the Virgin Islands from Denmark in 1917 for 25 million dollars as a military measure, Congress ignored them. The old Danish law continued under naval governors. In 1927 American citizenship was extended to the Islanders. In 1931 a civilian governor was installed.

After persistent agitation Congress finally adopted in 1936 an "organic act" giving Virgin Islanders a new form of government, abolishing property restrictions on suffrage and guaranteeing civil liberties. The organic act contains an ample bill of rights, according to citizens in the Virgin Islands virtually the same civil liberties as in the United States. Written in large measure by the present governor, Lawrence W. Cramer, formerly of the faculty of Columbia University, the act extends the vote to all citizens over 21 years of age able to read and write. Two Municipal Councils function on the islands of St. Thomas and St. Croix.

While local self-government is greatly extended, control remains solidly in the hands of the Federal government. The President appoints the Governor and the Government Secretary. The Secretary of the Interior appoints the Attorney-General, the Administrator for St. Croix "and such other executive and administrative officers as may, in his discretion, be required." All
salaried officers and employees of the municipal governments are appointed by the Governor. Acts of the councils (or of the legislative assembly, comprising both councils in joint session) are subject to veto by the governor, and on appeal from him, by the President, or by Congress.

In the judicial department, the President appoints a judge and district attorney for the District Court of the Virgin Islands, while other court officials are appointed by the Attorney-General. Appeals from the courts of the island are to the federal courts in the United States.

**Civil Liberties**

The present situation in the Virgin Islands is in pleasing contrast to the status of colonial civil liberty elsewhere. The present judge of the District Court is William H. Hastie of Washington, D.C., a brilliant Negro jurist and a former editor of the Harvard Law Review. The District Attorney is James Bough, a native Virgin Islander and a graduate of Columbia Law School. Governor Cramer is a liberal, keenly alive to the issues of civil liberties. The conflict between American officials and the natives, acute for years under naval rule and even later, has largely disappeared under the new form of government and a liberal administration.

But the organic act gives no guarantee that the present favorable state of affairs will continue. The act leaves so much authority to Washington, so little to the Islands that a less liberal administration might easily suppress civil liberties and negate the work of the native governing bodies. Even under the present liberal administration a larger share of the government jobs might well be held by natives as a training in what should be constantly increasing self-government.
Commonwealth of The Philippines

THE vast archipelago that comprises the Philippine Islands includes over 7,000 separate islands and stretches over a thousand miles from north to south. Its area is two and a half times as large as Pennsylvania, and its population of more than 13 million is greater than the State of New York. The population is nine-tenths of the Malay race. There is a considerable admixture of Chinese. Many Filipinos, especially those living in cities, have a mixed Spanish-Malay ancestry. Several thousand Americans engage in commerce, trading, and the professions. Few are left in governmental service. Most of the retail business is carried on by Chinese, with an increasing percentage of the goods coming from Japan.

Eight distinct languages and 87 dialects are spoken. The dominant language is Tagalog. Literacy is about 60 per cent, while approximately one-third of the population reads or understands English, the only common language since the decline of Spanish. About two-thirds of the population are claimed by the Roman Catholic Church. An Independent Catholic Church claims a following of 4,000,000. Missionary work is carried on by several Protestant denominations. Several hundred thousand Moros are Mohammedans, and an even larger number of Indonesian mountain people, the original natives, are pagans.

Government

The present government of the Philippine Islands is based on a Constitution adopted by plebiscite in 1935, in accordance with the terms of the Independence Act (Tydings-McDuffie) signed by President Roosevelt on March 24, 1934. It provides for a transitional commonwealth status to apply until 1945, when the Philippines are to become independent of the United States. Under the Commonwealth the government of the United States still exercises a large measure of control over Philippine affairs.

Legislation definitely fixing the date of independence is apparently the fulfilment of the implied promise, generally accepted when the Philippines were acquired from Spain in 1898, that the islands would be granted their independence after a period of
tutelage. This promise was restated in the Organic Act of 1916. The avowed policy of the United States has always been to prepare the Filipinos for successful self-government.

However, since the passage of the Independence Act, fresh debates have arisen over the date and terms of Philippine independence. The proximity of Japan to the islands has always been one determining factor in our policy, and the campaign of Japan to further extend its power has raised some doubts as to the probable fate of an independent Philippine state. Economic difficulties and internal problems have arisen under the Commonwealth further to complicate the issue. At the same time there has been strong pressure to advance the date of independence. Thus there is still a strong likelihood that the terms of the Independence Act may be changed.

The act provides for continued trade relations between the Philippines and the United States, but imposes quotas on imports from the islands, making all imports above the stipulated limits subject to the regular duty. It gives the Filipinos, however, the right to impose export taxes on goods shipped to the United States. It imposes a limit of 50 persons a year on Filipinos desiring to emigrate to the United States.

The Constitution adopted in fulfilment of the Act is on its face a progressive document. But it has not proven so in important phases of its application. It places the executive, legislative, and judicial powers in native hands, but with important restrictions. Though the supreme court is appointed by the President of the Philippines, cases involving constitutional questions may be carried to the Supreme Court of the United States.

Civil Liberties

Since 1902 the Filipinos have enjoyed on paper virtually the same civil rights as American citizens. These were assured by a section of the organic act of 1902 which was reenacted as a part of the Jones Act of 1916. They are again reaffirmed by the present Constitution. In general, up to the present decade freedom of speech, assembly and the press have been reasonably well maintained. The only important exceptions occurred in 1907, when an
old Spanish sedition law was reenacted for the purpose of suppressing the independence movement, and in the period 1921-1926—both times under the administration of Leonard Wood.

In the present decade, however, both under the commonwealth and prior administrations, there have been repeated suppressions of civil rights to a degree not exceeded anywhere in our colonies. The dominant Nacionalista Party, under the leadership of President Manuel Quezon, has used quasi-fascist methods to suppress opposition, so that political control is tightly held by this one group. Even the right of democratic election was abrogated in 1937 when it was deemed an election might prove embarrassing to the party in power!

Issues of civil liberties have become numerous enough under the commonwealth government to arouse the formation of a Civil Liberties Union of the Philippines, wholly under Philippine auspices. In a platform which covers economic objectives as well, these purposes in relation to civil liberties are set forth as:

"To favor the adoption of a native national language with Tagalog as a basis.

"To defend political democracy. Any move by a political officer or body that might tend towards (a) the concentration of political power; (b) the strengthening of military power for any purpose other than to prepare against foreign invasion; and (c) the emasculation of the people's instrumentalities in opposing dictatorship, will be scrutinized and resisted, for this might be but veiled attempts to crush democracy and establish a form of dictatorship.

"To defend the fundamental rights guaranteed by the Constitution, especially the freedom of association, the freedom of speech, the freedom of the press, the freedom of religion and the right of assembly and petition. Any move that will destroy the substance of these rights, leaving but the empty form, will be fought to the limit. The right of every citizen to criticize any act which may affect him or any other man, provided the criticism does not call for or insinuate the use of violent methods in order to attain the objective of the criticism, is here considered as of the essence of Civil Liberty."
Military Conscription

General Douglas MacArthur, retiring Chief of Staff of the U. S. Army, was detailed by President Roosevelt to act as military adviser to the Philippine government. In June, 1936, General MacArthur made public an ambitious defense plan for the Philippines. The plan called for a naval fleet of 50 to 100 vessels, an air force of 250 planes, and a potential armed force of 1,200,000 men, mostly trained reservists. Along the lines laid down in the plan, the Philippine government passed the National Defense Act.

On the assumption that the Philippines are really to become independent and might have to repel a foreign invader, the conscription act would give them a sizeable army for defense. But the issue of Philippine independence is not by any means settled. It is claimed, in fact, that the conscription act itself will make independence impossible, since the Philippines will not be able to finance such a large military establishment without aid from the United States. If the Philippines should remain under American control after 1945, our government will have what is substantially an army of "sepoys" or colonial troops.

Furthermore; instead of insuring genuine Philippine independence, in the hands of an administration like the present, there is reason to fear that such an army would become an instrument for the further suppression of the Filipino people. The present regime needs only such an army to become a virtual military oligarchy.

Conclusions

The lack of democracy and the denial of constitutional civil rights that characterize the Commonwealth government, aided and abetted by its American "advisers," is ominous. Such a regime contradicts the avowed aim of the United States government to prepare the Filipinos for democratic self-government. But the practices under the Commonwealth—still under the influence and to a great extent under control of the United States—are setting a pattern for independent government after 1945. Assuming that the terms of the Independence Act are to be carried out, the Filipinos are being prepared not for democratic self-rule, but for a military and possibly fascist dictatorship.
Guam

WITH an area of only 225 square miles, the tiny island of Guam nevertheless enjoys an importance out of all proportion to its size. It is a vital link in the chain of communications between the United States and the Far East. It is a relay station for trans-Pacific cable service and a stopover for the trans-Pacific commercial air service. It also maintains a commercial radio station. Its military importance has been the chief determining factor in the policy toward Guam and its 22,000 Malay inhabitants.

Seized by the American cruiser Charleston on June 21, 1898, in the war with Spain, it was ceded to the United States by the Treaty of Paris. It was put at once under control of the Navy Department where it has remained ever since.

In signing the Treaty of Paris, the United States agreed: (Article IX, Paragraph 2) "that the civil rights and political status of the native inhabitants of the Territories hereby ceded to the United States shall be determined by the Congress."

After forty years, this promise still remains unfulfilled in respect to Guam. No legislation has been passed fixing its status, providing for citizenship or for its form of government. The Navy rules as its sole authority. The anomalous position of the residents of Guam is succinctly expressed in a Judge Advocate General's decision approved by the Secretary of the Navy in 1923.

"Held. While a native of Guam owes perpetual allegiance to the United States he is not a citizen thereof, nor is he an alien, and there are no provisions under which he may become a citizen of the United States by naturalization." During the hearings before a sub-committee of the Senate Committee on Territories and Insular Affairs in 1937 it was held by a representative of the Department of Labor that a native of Guam could become a citizen, but this has never been established by the courts. Children of American citizens born in Guam have been refused the right to vote in the United States.

The people of Guam have readily accepted American customs and the English language in addition to their native Chamorro, have improved their living conditions and their school system, largely through their own initiative, and have reached a high level
of literacy. Teaching in English in the schools merits the same criticism on educational grounds as in other colonies. The language situation is also complicated by the survival of Spanish among sections of the population.

For many years the inhabitants of Guam have insisted on their right to become American citizens and to have a larger share in the administration of their own affairs. A number of the island's naval governors have asked that the people be granted citizenship, or at least that their civil status be established by act of Congress. Secretary of the Navy Paul Morton made that request as early as 1904. Bills to grant citizenship to the people of Guam were before Congress in 1927, 1934, and 1936. In 1937 the school children and adults of Guam financed the journey of two delegates to Washington to ask Congress for citizenship. One was the chairman of the House of Council (lower house) of the Guam Congress and the other the vice-chairman of the House of Assembly (upper house). The bill was opposed by the Navy Department, and was defeated. Even in the island, the Navy officials sought by intimidation and boycott to thwart the leaders of the citizenship movement.

B. J. Bordallo, chairman of the Guam House of Council, thus described the island government in his testimony before the Senate Committee:

"... We have taxation without representation. A naval officer, as governor of Guam, has the power to make or break laws, and appropriate the moneys of the people in any way or manner he desires without accountability to the people who are the taxpayers. The Governor appoints all the high government officials including the Court Judges and Island Treasurer, Island Attorney and District Commissioners to serve during his pleasure. If any native official desires to hold his job he must not incur the displeasure of His Excellency, or he will find himself without a position, as some judges, island attorneys, and land judges, etc., have found out to their sorrow!"

The American naval officer is military commander of the island, commandant of the naval station, and combines the functions of executive, legislative and judicial power of the government, outranking even an admiral.
American Samoa

The chief importance of American Samoa is the fact that Pago Pago Bay, in the island of Tutuila, is the safest and best harbor in the South Seas. It is of great value as a naval base, and because of this, the United States as far back as 1872, secured the cession of the harbor by a native king.

The American Samoan group comprises the islands of Tutuila, Rose, Tau, Olosega, Ofu, Aunuu and, since 1925, Swain's Island. With the exception of Swain's they were obtained in 1899 by annexation through a tripartite treaty between the United States, Great Britain and Germany. Congress did not legalize American control over Samoa until February 20, 1929. The other islands of the group, known as Western Samoa, were under German sovereignty up to the close of the world war, and are now under the League of Nations as a mandate to New Zealand.

The islands are about 2700 miles east of the northern tip of Australia and 2200 miles south of Hawaii. The majority of the 12,000 natives are pure Polynesian, having their own Samoan language. Virtually all are Christians, divided among various Protestant denominations.

Government

The islands were placed under the jurisdiction of the Navy Department by executive order on February 19, 1900. As early as 1902 the then Secretary of the Navy pointed out in his report: “Since the acquisition of these islands no action has been taken by Congress to establish civil government within their limits or to provide revenues for its maintenance. Such action is necessary to the well-being of the islands, and is earnestly recommended.”

Thirty-six years later, their status is unchanged.

The naval officials are a law unto themselves in Samoa, headed by a governor appointed by the President. The governor appoints all the high officials, including the chief justice of the High Court. The chief justice appoints two associate justices. Of all officials only three are civilians—the chief justice, the superintendent of education, and the assistant cashier of the government bank. There
is no appeal from decisions of the court, and none from any act of the local government.

The rights of the people, save in a few instances, are not protected by law. There is no legislative body elected by the people. The native governors of districts are appointed by the governor, and the local chiefs are appointed, in turn, by the district governors. The people have no legal power whatever over the administration of their own affairs, but tradition permits the exercise of power by the chiefs in minor affairs.

In 1930 President Hoover appointed a commission to visit Samoa, hold hearings and make recommendations concerning the adoption of an organic act for the islands. The commission found it to be "the united desire of the Samoan people that they be given a measure of local self-government and that they be made American citizens."

Bills to provide a civil government for American Samoa were thereupon introduced in Congress and have been reintroduced each year. The Navy Department opposition has consistently defeated these bills, although the Senate has several times passed them.

**Civil Liberties**

Where a naval captain exerts a dictatorial power over 12,000 people, controlling even their financial institutions, it is obvious that civil liberty depends on the whims of a single individual. The people have on occasion been denied the right of peaceful assembly, and of petition to Congress. Natives have been imprisoned for protesting against abuses. Capital cases have been tried without a jury, and execution ordered by the governor. No provision has been made for appeal in such cases. Americans who have intervened on behalf of the natives have been summarily dealt with by the naval authorities. Some have been deported or forbidden to land. Others in government service have been dismissed.

Until Congress acts to grant civil government, it is plain that the naval administration will continue to be a law unto itself.
Market Day in St. Thomas, Virgin Islands
Hawaii

LOCATED in the Pacific midway between the United States and the Orient, the Hawaiian Islands are considered to be of the utmost military importance. Both the U.S. Army and the Navy maintain large establishments, and the Navy Department plans for improvement of the Pearl Harbor naval base alone call for spending $150,000,000. The islands number twenty, of which nine are inhabited, the largest being Hawaii, with an area of 4,030 square miles. The total area is about the size of Massachusetts.

When missionaries from New England first settled in the islands in the 1820's the Hawaiians numbered about 200,000. Today the number of pure-blooded Hawaiians has been reduced to about 22,000. There are in addition about 31,000 partially of Hawaiian descent. The bulk of the almost 400,000 population is made up of Japanese (150,000), Chinese (30,000), Filipinos (70,000), and whites (90,000).

Government

Hawaii was annexed to the United States on July 7, 1898 upon the request of a group of white settlers who had overthrown the native Hawaiian monarchy five years before. Action was taken by the United States as a "war measure" in the conflict with Spain. In 1900 it was given the status of a Territory, and is therefore not a "possession," but an integral part of the United States. There is a legislature of two houses, a Senate of 15 members and a House of Representatives of 30 members. The Governor, appointed by the President from among island residents, has the power of veto over all legislation. As a Territory, Hawaii elects a representative to Congress who may speak on affairs pertaining to the islands but has no vote.

Economically the Hawaiian Islands are undoubtedly the most favored of the American over-seas territories. The export of sugar and pineapple to the United States, duty free, assures the islands a substantial income. The operation of the coastwise shipping law—which stipulates that all freight between Hawaii and the mainland must be carried in American vessels—and the tariff wall
which has been erected against all goods of other than American origin has resulted in binding the islands economically to the United States.

Civil Liberties

While there was a flare-up of racial friction over the notorious Massie case in 1932, on the whole the many races of Hawaii seem to live together in peace. Numerous violations of civil liberties have occurred in industrial strife on the great sugar and pineapple plantations where wages on the whole are very low. The workers, living in houses on plantation property, are at the mercy of the owners. Local authorities are generally under plantation control. Meetings are generally prohibited on plantation property, and trade union organization is exceedingly hazardous. The paternalistic as well as the coercive features of the plantation system cause widespread unrest.

The contract labor system under which thousands of these plantation workers were imported from the Philippines and Asia has been abolished. Today no special condition in Hawaii different from that in the United States marks American control. There is no movement for independence, though there is a widespread desire for statehood to achieve greater self-government. The political movements are the same as those in the United States. Trade unions are weak, as they are in all predominantly agricultural communities.

Hawaii has become too closely tied to the United States, politically and economically, to be viewed now as a colony—though its annexation was the first of our major imperialist ventures.

When you have read this pamphlet, send it to your Senator or Representative with a note, to your local library, or to your newspaper for comment.